

## STAFF PUBLIC MEETING MEMORANDUM

<b>To:</b>	<b>Commissioners:</b> Robert M. Pickett, Chair Stephen McAlpine Rebecca L. Pauli Norman Rokeberg Janis W. Wilson	<b>CDM</b>	<b>Panel</b>	<b>ALJ:</b> Wood, Chief Brandwein Davis Gazaway Walker	<b>Date:</b> April 12, 2017
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<b>Thru:</b>	Advisory Section Manager Section Supervisor	<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>Docket:</b> R-15-006  <b>Description:</b> General Tariff Form & Filing Regulations
<b>From:</b>	Richelle Johnson and Becki Alvey Tariff Section Analysts		<b>Draft Order attached:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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### Recommendation

The Commission should adopt the proposed amendments to the general tariff form and filing requirements in 3 AAC 48.200 through 3 AAC 48.442, and 3 AAC 52 and 3 AAC 53, as shown on Exhibit RJ-1.

### Procedural History

At the public meeting held on February 25, 2015, the Commission voted to open a docket to discuss the expansion of electronic filing to all docket and non-docket related proceedings, including tariff filings and reports. In addition, the Commission scheduled a technical conference, held April 27, 2015.<sup>1</sup> At the technical conference, participants expressed concerns regarding the Commission's existing tariff form and filing requirements found in 3 AAC 48.200 – 48.442.

For example, 3 AAC 48.330 outlines specific formatting directions for tariff sheets. ACS of Alaska, LLC, ACS of Anchorage, LLC, ACS of Fairbanks, LLC and ACS of the Northland, LLC, collectively d/b/a ACS d/b/a Alaska Communications Systems d/b/a Alaska Communications d/b/a ACS Local Service and ACS (ACS), GCI Communications Corp. d/b/a General Communication, Inc. d/b/a GCI, ENSTAR Natural Gas Company, a Division of SEMCO Energy, Inc. (Enstar) and the Rural Coalition all supported revisions to the existing regulations that require tariff sheets to include "boxes" that delineate different sections of a tariff sheet, stating that the required formatting was extremely difficult to perform electronically.<sup>2</sup> In response to the concerns expressed at the R-15-002 technical conference,

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<sup>1</sup> R-15-002(1), *Order Opening Docket and Scheduling Technical Conference*, dated April 3, 2015.

<sup>2</sup> R-15-002, Tr. at 54-59.

Administrative Law Judge Gazaway suggested that a separate regulations docket be opened to address tariff form and filing requirements.<sup>3</sup>

At the public meeting held on July 1, 2015, the Commission voted to open Docket R-15-006 to address the general tariff form and filing requirements.<sup>4</sup> The Commission also scheduled a technical conference to convene on September 28, 2015 to discuss Staff's proposed tariff form and filing regulations.<sup>5</sup>

The technical conference was held on the date prescribed by the Commission and included representatives from the Rural Coalition, the Municipality of Anchorage d/b/a Anchorage Water and Wastewater Utility (AWWU), the Municipality of Anchorage d/b/a Municipal Light & Power Department (ML&P), Chugach Electric Association, Inc. (Chugach), Enstar, ACS, GCI, the Alaska Exchange Carriers Association, Inc., Golden Valley Electric Association, Inc. (GVEA), Matanuska Telephone Association, Inc. (MTA), TelAlaska, the Department of Law, Regulatory Affairs and Public Advocacy (RAPA) and Staff members from various sections of the Commission.

In general, the participants at the technical conference were in consensus regarding the need to revise the Commission's tariff form and filing regulations and supported the vast majority of Staff's draft regulations. However, technical conference participants did suggest that the tariff form and filing regulations could benefit from a reorganization that would improve the clarity of the regulations and consolidate regulations that address similar issues. For example, 3 AAC 48.220, 3 AAC 48.240, and 3 AAC 48.280 all discuss a tariff filing's proposed effective date, which at times has caused confusion and ambiguity in the existing regulations. Based on the comments received at the technical conference, Staff restructured the decisional matrix that was used at the technical conference to incorporate participant comments and address the organizational issues in the existing regulations.

The revised decisional matrix was emailed to all technical conference participants for review on December 10, 2015. Staff requested recipients inform the Commission whether they believed an additional technical conference was necessary to discuss Staff's proposed revisions or if the proposed regulations could be issued for comment. The Commission received four responses from technical conference participants, all of which supported Staff's proposed regulations and requested that they be issued for comment.<sup>6</sup>

Subsequently, the Commission issued R-15-006(2), which invited comments on proposed regulations that would amend the general tariff form and filing requirements in 3 AAC 48.200 through 3 AAC 48.442, with comments due by June 23, 2016.<sup>7</sup> The Commission issued Order

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<sup>3</sup> R-15-002, Tr. at 170-171.

<sup>4</sup> Tr. at 34-36.

<sup>5</sup> R-15-006(1), *Order Opening Docket and Scheduling Technical Conference*, dated August 21, 2015.

<sup>6</sup> See Chugach Electric Association, Inc.'s Response to Question Regarding Need for Additional Technical Conference, filed January 25, 2016; Letter from D. Dieckgraeff, ENSTAR Natural Gas Company and Cook Inlet Gas Storage Alaska, LLC, RE: R-15-006 – Response to ALJ Request, filed January 25, 2016.

<sup>7</sup> See Order No. R-15-006(2), *Order Issuing Proposed Regulations for Comment*, issued May 24, 2016.

No. R-15-006(3) extending the deadline for filing comments on proposed revision to regulations addressing general tariff form and filing requirements to July 7, 2016, with reply comments requested by August 8, 2016.<sup>8</sup> The Commission received 5 comments<sup>9</sup> and 6 reply comments.<sup>10</sup>

As a result of the comments received, Staff has drafted updated proposed tariff form and filing requirements, attached as RJ-1. Below is a section by section summary and analysis of the comments received on the proposed changes.

### **Detailed Section by Section Analysis of Public Comments**

#### **3 AAC 48.220(a)**

This is the subsection currently designated as 3 AAC 48.280(a) which sets out the rules for determining the statutory notice period for tariff filings. Under the proposed reorganization, this subsection will be relocated to 3 AAC 48.220(a).<sup>11</sup>

RAPA commented that, as proposed, the regulation is confusing and conflicts with AS 42.05.361(c).<sup>12</sup> RAPA proposed two possible options for revised language: the first option revises the section in its entirety, and the second option adds in language to the proposed regulation to maintain consistency with other form and filing regulations. ML&P also commented on this section and proposed a similar revision to the second option RAPA proposed.<sup>13</sup> In its reply comments, Enstar noted that, if the Commission goes with RAPA's first option, it should consider breaking the proposed language into subsections.<sup>14</sup>

Additionally, Enstar commented that the final sentence in 3 AAC 48.220(a) should be revised to improve clarity and noted several grammatical errors.<sup>15</sup>

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<sup>8</sup> See Order No. R-15-006(3), *Order Extending Comment Deadline*, issued June 7, 2016.

<sup>9</sup> See TR160950, *Public Comment for R-15-006 by Cindy Manheim of Alascom, Inc. d/b/a AT&T Alaska*, received July 7, 2016; TR1603951, *Public Comment for R-15-006 by Anna C. Henderson of Municipal Light and Power*, received July 7, 2016; TR1603952, *Public Comment for R-15-006 by Jeffery J. Waller of Office of the Attorney General, Regulatory Affairs and Public Advocacy*, received July 7, 2016; TR1603953, *Public Comment for R-15-006 by Brian Youngberg of Golden Valley Electric Association, Inc.*, received July 7, 2016; and TR1603959, *Public Comment for R-15-006 by Daniel Dieckgraeff of ENSTAR Natural Gas Company, APC and CINGSA*, received July 7, 2017.

<sup>10</sup> See TR1604772, *Public Comment for R-15-006 by Karen Bell of Anchorage Water and Wastewater Utility*, received August 8, 2016; TR1604785, *Public Comment for R-15-006 by Daniel M. Dieckgraeff of ENSTAR Natural Gas Company, Alaska Pipeline Company, and Cook Inlet Natural Gas Storage, LLC*, received August 8, 2016; TR1604803, *Public Comment for R-15-006 by Anna C. Henderson of Municipal Light and Power*, received August 8, 2016; TR1604805, *Public Comment for R-15-006 by Jeffrey J. Waller of Office of the Attorney General by Department of Law (RAPA)*, received August 8, 2016; TR1604806, *Public Comment for R-15-006 by Shannon M. Heim of Rural Coalition*, received August 8, 2016; and TR164812, *Public Comment for R-15-006 by Brian L. Youngberg of Golden Valley Electric Association, Inc.*, received August 8, 2016.

<sup>11</sup> See Staff Decisional Matrix, attached at RJ-1, at 2 and 3.

<sup>12</sup> See Office of the Attorney General, Regulatory Affairs and Public Advocacy Section's Comments, at 1.

<sup>13</sup> See Comments of Municipal Light and Power in Response to Order Nos. R-15-006(2) and R-15-006(3), at 2.

<sup>14</sup> See Reply Comments of Municipal Light and Power in Response to Order Nos. R-15-006(2) and R-15-006(3), at 1.

<sup>15</sup> See Comments of ENSTAR Natural Gas Company, Alaska Pipeline Company, and Cook Inlet Natural Gas Storage Alaska, LLC, at 2.

Staff has reviewed the comments and agrees with RAPA, ML&P, and Enstar. Staff believes further clarity is necessary in this section. Staff believes that this is best achieved through RAPA's second option.<sup>16</sup> Additionally, Staff agrees with Enstar's proposed revisions to the final sentence and with the correction of the grammatical errors.

### **3 AAC 48.220(b)**

This subsection sets out the procedure for making tariff filings both electronically and on paper.<sup>17</sup>

RAPA commented that both tariff filing and tariff advice filing are used inconsistently in this section.<sup>18</sup> Staff concurs with RAPA's proposed edits and proposes that tariff filing and tariff advice letter should be used consistently to refer to the filing and letter, respectively.

### **3 AAC 48.220(c)**

This subsection sets out the format in which a tariff advice letter should be submitted and the statutory notice periods a tariff filing will be subject to.<sup>19</sup>

ML&P commented that there seems to be a small discrepancy between 3 AAC 48.220(c) and 3 AAC 48.270(a).<sup>20</sup> ML&P noted that while subsection .220(c) states that tariff advice letters should be submitted with all tariff filings, subsection .270(a) excludes filings directly related to applications for new and amended certificates of public convenience and necessity from requiring tariff advice letters and proposed that a reference to 3 AAC 48.270(a) be included.

Additionally in its comments, Enstar proposed revising the end of the second sentence of 3 AAC 48.220(c) to note that tariff advice filing are subject to only one of the given statutory notice periods.<sup>21</sup>

Although Staff agrees with ML&P's comment, Staff also notes that there are other tariff filing types that are not covered under 3 AAC 48.270(a) that could also fail to fall under the requirements of 3 AAC 48.220(a), such as simplified pipeline tariff filings (See 3 AAC 48.460). Therefore, Staff believes that ML&P's proposed language could be construed as confusing and could be misinterpreted. Additionally, Staff agrees with the Enstar's comments and supports its proposed revisions to the final sentence.<sup>22</sup>

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<sup>16</sup> See Staff Decisional Matrix, R-15-006, Staff Proposed Regulation, attached as RJ-1, at 3.

<sup>17</sup> See Staff Decisional Matrix, attached as RJ-1, at 4.

<sup>18</sup> See Office of the Attorney General, Regulatory Affairs and Public Advocacy Section's Comments, at 4.

<sup>19</sup> See Staff Decisional Matrix, attached as RJ-1, at 5.

<sup>20</sup> See Comments of Municipal Light and Power in Response to Order Nos. R-15-006(2) and R-15-006(3), at 2.

<sup>21</sup> See Comments of ENSTAR Natural Gas Company, Alaska Pipeline Company, and Cook Inlet Natural Gas Storage Alaska, LLC, at 2.

<sup>22</sup> See Staff Decisional Matrix, R-15-006, Staff Proposed Regulation, attached as RJ-1, at 5.

### **3 AAC 48.220(c)(3)**

This subsection sets out the statutory notice period for pipeline tariff filings.<sup>23</sup>

RAPA commented that there appeared to be a typographical error that should be corrected.<sup>24</sup> Staff has reviewed the subsection and agrees with RAPA.

### **3 AAC 48.220(d)**

This subsection sets out the rules for determining the date a tariff filing is considered filed with the Commission for the purposes of determine the statutory notice period.<sup>25</sup>

ML&P commented that the proposed 3 AAC 48.220(d) appears to incorporate the same official filing date and period counting rules set forth 3 AAC 48.090(a), but does so with different language, which may result in confusion.<sup>26</sup> ML&P proposed that 3 AAC 48.220(d) be revised in full to mirror language from 3 AAC 48.090(a).<sup>27</sup>

RAPA commented that the language proposed in 3 AAC 48.220(d) is confusing.<sup>28</sup> It appears that the intent of the first sentence is to inform the reader that if a tariff filing is received on a regular business day before 5:00 p.m., it is considered filed with the Commission. RAPA suggests alternative language.<sup>29</sup> Additionally, RAPA commented that the second sentence of 3 AAC 48.220(d) would be better organized if the exact language from 3 AAC 48.090 where used.<sup>30</sup>

Staff agrees with both ML&P and RAPA, that the organization of 3 AAC 48.220(d) is confusing; however, Staff believes the language proposed by ML&P is overly confusing, as parts of the proposed language taken from 3 AAC 48.090 do not apply to tariff filings. Therefore, Staff proposes a combination of ML&P and RAPA's language, which incorporates language from 3 AAC 48.090 into a more clearly organized revision of the language proposed after the technical conference.

### **3 AAC 48.220(e)**

This subsection deals with tariff filings submitted to the Commission with insufficient time to accommodate the statutory notice period.<sup>31</sup>

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<sup>23</sup> See Staff Decisional Matrix, attached as RJ-1, at 6.

<sup>24</sup> See Office of the Attorney General, Regulatory Affairs and Public Advocacy Section's Comments, at 4.

<sup>25</sup> See Staff Decisional Matrix, attached as RJ-1, at 7 and 8.

<sup>26</sup> See Comments of Municipal Light and Power in Response to Order Nos. R-15-006(2) and R-15-006(3), at 2.

<sup>27</sup> *Ibid.*

<sup>28</sup> See Office of the Attorney General, Regulatory Affairs and Public Advocacy Section's Comments, at 4.

<sup>29</sup> *Id.*, at 5.

<sup>30</sup> *Ibid.*

<sup>31</sup> See Staff Decisional Matrix, attached as RJ-1, at 10.

ML&P commented that more precise citations would be beneficial in this section. The current proposed regulation cites 3 AAC 48. ML&P proposes more direct citations to 3 AAC 48.270 and 3 AAC 48.300.<sup>32</sup> Staff believes that a more generic citation to 3 AAC 48 leaves the Commission more flexibility in cases where 3 AAC 48.270 and 3 AAC 48.300 may not apply; therefore, the more generic citation should remain.

### **3 AAC 48.220(f)**

This subsection sets out Commission procedures for how a tariff advice letter that does not include a proposed effective date will be treated.<sup>33</sup>

ML&P commented that the proposed regulations references 3 AAC 48.310(d), which appears to be a citation to the currently effective regulation.<sup>34</sup> Since 3 AAC 48.310 will be renumbered in these proposed regulations, ML&P proposes that a more accurate citation would be 3 AAC 48.240(d).<sup>35</sup> Staff agrees.

### **3 AAC 48.220(g)**

This subsection clarifies the Commission's validation process, including the location of the Commission's receipt stamp and effective date on each tariff sheet, form, or other document.<sup>36</sup>

Enstar commented that waiting until after the effective date of the filing to return the tariff sheets may cause confusion to any utility customer requesting a review of the current tariff provisions and that the Commission should consider revising the last sentence, which states that the Commission will return a copy of all effective tariff sheets after the effective date of the filing.<sup>37</sup> Furthermore, Enstar suggests inserting "[a]fter approval," at the beginning of the first sentence to improve clarity.<sup>38</sup>

Staff agrees with Enstar's second comment and supports inserting "after approval" at the beginning of the first sentence; however, Staff believes that the language proposed in the first comment would restrict the Commission too much and could have unforeseen consequences. Staff notes that the Commission handles some filings where the tariff sheets become effective upon filing, such as with Cost of Fuel Surcharge, Cost of Power Adjustment,

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<sup>32</sup> See Comments of Municipal Light and Power in Response to Order Nos. R-15-006(2) and R-15-006(3), at 3.

<sup>33</sup> See Staff Decisional Matrix, attached as RJ-1, at 11.

<sup>34</sup> See 3 AAC 48.310(d) which states "[t]he commission will, in its discretion , by order stating the reason, suspend a tariff filing either in whole or in part at any time before the end of the statutory notice period to the commission."

<sup>35</sup> See Comments of Municipal Light and Power in Response to Order Nos. R-15-006(2) and R-15-006(3), at 3.

<sup>36</sup> See Staff Decisional Matrix, attached as RJ-1, at 12.

<sup>37</sup> See Comments of ENSTAR Natural Gas Company, Alaska Pipeline Company, and Cook Inlet Natural Gas Storage Alaska, LLC, at 2.

<sup>38</sup> *Ibid.*

and Cost of Energy Adjustment filings. In these cases, returning the tariff sheets on or before the effective date is both unfeasible and premature.

### **3 AAC 48.230**

This subsection gives the Commission the discretionary authority to require a tariff advice filing to be noticed to the public, and the method for public notice.<sup>39</sup>

ML&P commented that it believes that notice by newspaper no longer meets the standard of AS 42.05.411(a), which requires public notice to be “reasonably adequate to notify customers affected by the filing.”<sup>40</sup> Therefore, ML&P proposes that the proposed 3 AAC 48.230 be revised in full. AWWU commented that it agreed with ML&P’s comment and the language ML&P proposed.<sup>41</sup> AWWU additionally noted that notices posted on the Commission’s website are sufficient to make the public aware of tariff filings and are more cost effective and efficient than notices published in newspapers.<sup>42</sup> AWWU agreed and stated that a notice published in the Alaska Dispatch News costs AWWU between \$250.00 and \$350.00 and that cost is passed on to its ratepayers.<sup>43</sup>

RAPA commented that it disagrees with ML&P’s comment to delete newspaper notice from the additional notice options as this regulation allows the Commission flexibility in requiring additional notice to the public and there may be occasions when the Commission finds that notice in a newspaper is the appropriate means to inform the public.<sup>44</sup> Staff agrees with RAPA. Leaving newspaper notice as an option in the regulations gives the Commission more flexibility for disseminating information to consumers who may not have access to, or be aware of, other notice formats.

### **3 AAC 48.240(e)**

This section explains that any part of a tariff filing that is not suspended prior to the expiration of the statutory notice period or granted an extension of the statutory notice period will take effect.<sup>45</sup>

Enstar commented that there appears to be an unnecessary comma after “suspending a tariff filing.”<sup>46</sup> Staff has reviewed the subsection and agrees with Enstar’s edit.

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<sup>39</sup> See Staff Decisional Matrix, attached as RJ-1, at 14 and 15.

<sup>40</sup> See Comments of Municipal Light and Power in Response to Order Nos. R-15-006(2) and R-15-006(3), at 3.

<sup>41</sup> See Anchorage Water and Wastewater Utility’s Reply Comments, at 1.

<sup>42</sup> *Id.*, at 2.

<sup>43</sup> *Id.*, at 2.

<sup>44</sup> See Office of the Attorney General, Regulatory Affairs & Public Advocacy Section’s Reply Comments, at 1.

<sup>45</sup> See Staff Decisional Matrix, attached as RJ-1, at 18.

<sup>46</sup> See Comments of ENSTAR Natural Gas Company, Alaska Pipeline Company, and Cook Inlet Natural Gas Storage Alaska, LLC, at 3.

### **3 AAC 48.250(a)**

This subsection describes what information must be made available to the public for review and inspection.<sup>47</sup>

ML&P commented that it questions the necessity of directing customers to the location of a document they have already found and suggests that the section be deleted.<sup>48</sup>

AT&T commented that it suggests that this regulation be changed so that a customer or potential customer can review the tariff at a physical location or electronically, at the company's discretion.<sup>49</sup> AT&T proposes that the regulation be revised to allow a utility or pipeline carrier to include the web address of its tariff.<sup>50</sup> Enstar<sup>51</sup> and the Rural Coalition<sup>52</sup> both agreed with AT&T's comment.

RAPA<sup>53</sup> commented that AT&T's suggested change should be rejected because it is contrary to statute AS 42.05.361(a).<sup>54</sup>

Staff disagrees with ML&P's comment and believes that the requirement does not place an undue burden on the utility or pipeline carrier; therefore, Staff believes the requirement should remain. Additionally, Staff agrees with RAPA and believes that the language, as proposed by AT&T, is contrary to AS 42.05.361(a). Staff believes that there are elements of AT&T's proposed revision which would be beneficial to include in the regulation; however, the regulation needs to emphasize the location of the paper tariff as the primary element of the regulation, with the web address of the electronic tariff as a secondary element in order to comply with AS 42.05.361(a). Staff has proposed language which addresses this concern and incorporates AT&T's proposed language.

### **3 AAC 48.250(c)**

In this subsection the currently effective regulations require that a utility must keep a copy of 3 AAC 48.200 – 3 AAC 48.430 available to the public for inspection at the place where the utility keeps a copy of its current tariff on file.<sup>55</sup>

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<sup>47</sup> See Staff Decisional Matrix, attached as RJ-1, at 21.

<sup>48</sup> See Comments of Municipal Light and Power in Response to Order Nos. R-15-006(2) and R-15-006(3), at 4.

<sup>49</sup> See Comment of AT&T, at 2.

<sup>50</sup> *Ibid.*

<sup>51</sup> See Reply Comments of ENSTAR Natural Gas Company, Alaska Pipeline Company, and Cook Inlet Natural Gas Storage Alaska, LLC., at 2.

<sup>52</sup> See Rural Coalition Reply Comments, at 2.

<sup>53</sup> See Office of the Attorney General, Regulatory Affairs & Public Advocacy Section's Reply Comments, at 2.

<sup>54</sup> See AS 42.05.361(a) which states, "under regulations the commission shall adopt, every public utility shall file with the commission, within the time and in the form the commission designate[...]"

<sup>55</sup> See Staff Decisional Matrix, attached as RJ-1, at 22.



ML&P commented that it supports the repeal of this requirement as the regulations are readily available online at the Commission's and the Legislature's websites.<sup>56</sup> The Rural Coalition commented that it also supports the repeal of this regulation.<sup>57</sup>

### 3 AAC 48.260

Staff proposes to repeal 3 AAC 48.260<sup>58</sup> in its entirety, reenact the section under a new section heading and adopt language that addresses special contracts.<sup>59</sup> The regulations proposed in this reenacted section bring together various provisions of the existing tariff form and filing requirements for special contracts.<sup>60</sup>

Enstar commented that it agreed with the recommended changes in this section; however, the "C" in the section title should be lower case to mirror the formatting of the other section titles.<sup>61</sup>

ML&P commented that it supports repealing the requirement that all utilities have a lobby sign directing the public to its tariff.<sup>62</sup> ML&P also noted that the sign requirement is obsolete in the electronic age, and that ML&P's tariff is readily available on the Commission's and ML&P's websites.<sup>63</sup> AT&T also commented that it agrees with Staff's recommendation to repeal this section as customers do not physically travel to a company's office to review an effective tariff.<sup>64</sup>

RAPA commented that it disagrees with Staff's decision to repeal the currently effective 3 AAC 48.260 in its entirety.<sup>65</sup> RAPA cited AS 42.05.361(a), stating that a necessary corollary of this requirement is that a utility provide signage in its office or other location notifying the public of the availability of the tariff for inspection.<sup>66</sup>

Staff acknowledges Enstar, ML&P, AT&T, and RAPA's comments. Staff disagrees with RAPA's comment and notes that AS 42.05.361(a) makes no mention of a utility providing signage in its office noting the location of its tariff. Staff believes that the signage requirement set out in the currently effective 3 AAC 48.260 is not necessary for a utility to comply with the requirements set out in AS 42.05.361(a). Therefore Staff believes the proposed repeal of 3 AAC 48.260 should remain.

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<sup>56</sup> See Comments of Municipal Light and Power in Response to Order Nos. R-15-006(2) and R-15-006(3), at 5.

<sup>57</sup> See Rural Coalition Reply Comments, at 2.

<sup>58</sup> See 3 AAC 48.260, *Public notice of utility tariff inspection privilege*.

<sup>59</sup> See Staff Decisional Matrix, attached as RJ-1, at 23.

<sup>60</sup> *Ibid.*

<sup>61</sup> See Reply Comments of ENSTAR Natural Gas Company, Alaska Pipeline Company, and Cook Inlet Natural Gas Storage Alaska, LLC., at 3.

<sup>62</sup> See Comments of Municipal Light and Power in Response to Order Nos. R-15-006(2) and R-15-006(3), at 5.

<sup>63</sup> *Id.*

<sup>64</sup> See Comment of AT&T, at 2.

<sup>65</sup> See Office of the Attorney General, Regulatory Affairs & Public Advocacy Section's Reply Comments, at 2.

<sup>66</sup> *Ibid.*

### **3 AAC 48.260(b)(2)**

This subsection gives the Commission the power to revise a special contract filed with the Commission at all times.<sup>67</sup>

AT&T comments that, while it understands that the Commission may be able to suggest revisions to a special contract, the parties to the special contract should be allowed the opportunity to cancel the contract if the Commission makes any changes.<sup>68</sup> As such, AT&T suggest deleting this section in its entirety.<sup>69</sup> RAPA commented in its reply comments that it disagreed with AT&T's suggestion to delete this section in its entirety.<sup>70</sup> RAPA notes that AT&T's basis for deleting the section is not affected by the regulation and that the regulation does not prevent mutual cancelation of a special contract.<sup>71</sup>

Staff agrees with RAPA's comments. Staff notes that the section of the regulation that AT&T is proposing to delete does not prevent a utility or pipeline carrier from withdrawing a special contract if the Commission chooses to revise it in a way the parties of the special contract do not agree with. Therefore, Staff believes the proposed 3 AAC 48.260(b)(2) should remain unchanged.<sup>72</sup>

### **3 AAC 48.270(a)(5)**

This subsection sets out that a utility or pipeline carrier is required to 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.<sup>73</sup>

AT&T commented that it believes that the proposed regulation should be modified such that only if a utility is withdrawing a service or raising rates should the carrier be required to provide the estimated number of impacted customers or shippers that will be affected.<sup>74</sup> AT&T stated that depending on the service, it sometimes takes time to gather this information.<sup>75</sup> If the utility is proposing a price decrease, it is in the public interest that this price decrease occur as soon as possible and waiting until the public utility can determine the estimated number of impacted customers no longer seems to serve a valid purpose. The Rural Coalition commented that it supports AT&T's proposed revisions to this section and stated that there is little value in providing an estimate of customers affected by a rate reduction.

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<sup>67</sup> See Staff Decisional Matrix, attached as RJ-1, at 24.

<sup>68</sup> See Comment of AT&T, at 2.

<sup>69</sup> *Ibid.*

<sup>70</sup> See Office of the Attorney General, Regulatory Affairs & Public Advocacy Section's Reply Comments, at 2.

<sup>71</sup> See Office of the Attorney General, Regulatory Affairs & Public Advocacy Section's Reply Comments, at 3.

<sup>72</sup> See Staff Decisional Matrix, Staff Proposed Regulation, attached as RJ-1, at 24.

<sup>73</sup> See Staff Decisional Matrix, attached as RJ-1, at 30.

<sup>74</sup> See Comment of AT&T, at 3.

<sup>75</sup> *Ibid.*

RAPA commented that it disagrees with AT&T's proposed edits as they are too narrow.<sup>76</sup> RAPA noted that customers can be impacted by other changes made in a tariff, such as a change in service.<sup>77</sup> Staff agrees with RAPA's comments and notes that the intent of the regulation is to assess the impact on customers. Staff believes that if the regulation is revised to only require the impact statement if a tariff filing is raising a rate or discontinuing service, then the regulation becomes too narrow and ineffective.

### **3 AAC 48.270(a)(6)**

This section sets out the items that a utility or pipeline carrier are required to include in each tariff advice letter. Specifically, this subsection deals with the statement a utility or pipeline carrier should include if they wish a filing to take effect before the end of the 45-day statutory review period.<sup>78</sup>

RAPA commented that "date" should be added after "a proposed effective".<sup>79</sup> Additionally, RAPA commented that the regulations currently in effect require that "good cause" must be shown for a tariff filing to take effect before the end of the 45-day statutory review period. RAPA noted that to avoid regulatory uncertainty and possible confusion a statement setting out that a showing of good cause is required when an early effective date is requested by a utility or pipeline carrier. The Rural Coalition commented that it supports the comments and edits made by RAPA.<sup>80</sup>

Staff agrees with the comments made by RAPA. Staff has drafted revised language for 3 AAC 48.270(a)(6) incorporating the good cause requirement language into the regulation.<sup>81</sup>

### **3 AAC 48.270(b)**

This subsection sets out the filing requirements for tariff advice letters when the filing includes a formal or comprehensive study.<sup>82</sup>

ML&P commented that the word "formal" is ambiguous.<sup>83</sup> Additionally, ML&P commented that this section is unnecessary as utilities and pipeline carriers bear the burden of establishing the reasonableness of proposed tariff changes.<sup>84</sup> ML&P proposed that this section either be repealed entirely or remain unchanged from the regulations proposed before the technical conference.<sup>85</sup> RAPA commented that it agreed in part with ML&P's comments on the use of

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<sup>76</sup> See Office of the Attorney General, Regulatory Affairs & Public Advocacy Section's Reply Comments, at 3.

<sup>77</sup> *Ibid.*

<sup>78</sup> See Staff Decisional Matrix, attached as RJ-1, at 30.

<sup>79</sup> See Office of the Attorney General, Regulatory Affairs and Public Advocacy Section's Comments, at 6.

<sup>80</sup> See Rural Coalition Reply Comments, at 4.

<sup>81</sup> See Staff Decisional Matrix, Staff Proposed Language, attached as RJ-1, at 30.

<sup>82</sup> See Staff Decisional Matrix, attached as RJ-1, at 33.

<sup>83</sup> See Comments of Municipal Light and Power in Response to Order Nos. R-15-006(2) and R-15-006(3), at 5.

<sup>84</sup> *Ibid.*

<sup>85</sup> *Ibid.*

the term “formal” for describing studies.<sup>86</sup> However, RAPA noted that the term “formal” is not needed nor is any other adjective.

GVEA commented that it recommends the Commission clarify its proposed change to accommodate the potential for a utility or pipeline carrier to receive confidential treatment of a study and/or working papers.<sup>87</sup> GVEA commented that the proposed requirement that a formal study be filed with the tariff advice letter is problematic when the Commission’s regulations on confidential treatment (3 AAC 48.045)<sup>88</sup> are taken into consideration. Enstar<sup>89</sup> and ML&P<sup>90</sup> commented that it agrees with GVEA.

Enstar also commented that it noticed a grammatical error that it believes needs correcting.<sup>91</sup>

Staff agrees with RAPA’s comment regarding formal study; therefore, Staff has incorporated the language RAPA used in its comments into the proposed regulations. Additionally, in regards to GVEA’s comment, Staff believes that the requirements set out in 48.270(b) do not prevent a utility or pipeline carrier from seeking confidential treatment of a study. However, Staff has drafted language for 3 AAC 48.270(b), noting that if it wishes a utility or pipeline carrier can choose to seek confidential treatment of a study under 3 AAC 48.045.<sup>92</sup> Finally, Staff agrees with Enstar’s comment on the grammatical error.

### **3 AAC 48.270(c)**

This subsection outlines the requirements for a tariff advice letter submitted with a special contract.<sup>93</sup>

ML&P commented that the revised regulations reference 3 AAC 48.390(c), which is proposed for repeal.<sup>94</sup> ML&P suggested that a more appropriate reference might be 3 AAC 48.260(c).<sup>95</sup>

RAPA commented that Staff has proposed to remove the currently effective requirement that a utility or pipeline carrier filing a special contract must “state the reason the customer was

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<sup>86</sup> See Office of the Attorney General, Regulatory Affairs & Public Advocacy Section’s Reply Comments, at 3.

<sup>87</sup> See Golden Valley Electric Association Inc.’s Initial Comments in Response to Order No. R-15-006(3), at 2.

<sup>88</sup> See 3 AAC 48.045, which states “ [a] person wishing to protect a record filed with, served upon, or otherwise made available to the commission must file with the commission a petition identifying the record to be protected and setting out good cause [...]”

<sup>89</sup> See Reply Comments of ENSTAR Natural Gas Company, Alaska Pipeline Company, and Cook Inlet Natural Gas Storage Alaska, LLC, at 3.

<sup>90</sup> See Reply Comments of Municipal Light and Power in Response to Order Nos. R-15-006(2) and R-15-006(3), at 2-3.

<sup>91</sup> See Comments of ENSTAR Natural Gas Company, Alaska Pipeline Company, and Cook Inlet Natural Gas Storage Alaska, LLC, at 3.

<sup>92</sup> See Staff Decisional Matrix, Staff Proposed Regulation, attached as RJ-1, at 33.

<sup>93</sup> See Staff Decisional Matrix, attached as RJ-1, at 34.

<sup>94</sup> See Comments of Municipal Light and Power in Response to Order Nos. R-15-006(2) and R-15-006(3), at 6.

<sup>95</sup> *Ibid.*

not required to take service under an existing tariff schedule or an appropriate revision to it.”<sup>96</sup> RAPA believes that a utility should still be required to explain why the customer was not required to take service under the existing tariff schedule, or an appropriate revision, and that this requirement should remain in the proposed 3 AAC 48.270(c).<sup>97</sup> Rural Coalition commented that it disagrees with RAPA’s comments on the repeal of this regulation because there are existing regulations that prevent carriers from using special contract to unfairly advantage or disadvantage consumers.<sup>98</sup>

Staff agrees with ML&P’s comment. Additionally, Staff sees no issue with RAPA’s proposed language. Finally, Staff notes that the Rural Coalitions comments are generally specific to the special contract itself, and not the tariff advice letter for special contract filings. Staff believes that requiring a utility to provide a short statement as RAPA noted does not place an undue burden on the utility, and provides the Commission with more background on the filing. Therefore, Staff has proposed to reincorporate the language RAPA noted into the regulation.<sup>99</sup>

### **3 AAC 48.300(a)**

This subsection requires that a utility or pipeline carrier requesting an early effective date must demonstrate that the good cause exist for the Commission to grant the waiver of the 45-day statutory notice period.<sup>100</sup>

RAPA noted in its comments on 3 AAC 48.270(a)(6),<sup>101</sup> that the phrase requiring a utility to show good cause for an request for an early effective date for a tariff filing in its tariff advice letter should remain be returned to that proposed regulation. RAPA commented that if the Commission decided to keep the post technical conference language for 3 AAC 48.270(a)(6), and not take RAPA proposed language, then the reference to “3 AAC 48.270(a)(6)” in 3 AAC 48.300(a) is no longer necessary and should be removed.<sup>102</sup>

Staff disagrees with RAPA’s comment on 3 AAC 48.300(a). If the Commission decides to not use RAPA suggested language for 3 AAC 48.270(a)(6), then 3 AAC 48.300(a) still directly relates to the requirements set out in 3 AAC 48.270(a)(6); therefore, Staff believes that the reference to 3 AAC 48.270(a)(6) should remain in 3 AAC 48.300(a).<sup>103</sup>

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<sup>96</sup> See 3 AAC 48.270(a), which states “[...] state the reason the customer was not required to take service under an existing tariff schedule or an appropriate revision of it [...]”

<sup>97</sup> See Office of the Attorney General, Regulatory Affairs and Public Advocacy Section’s Comments, at 6.

<sup>98</sup> See Rural Coalition Reply Comments, at 6.

<sup>99</sup> See Staff Decisional Matrix, Staff Proposed Regulation, attached as RJ-1, at 34.

<sup>100</sup> See Staff Decisional Matrix, attached as RJ-1, at 38.

<sup>101</sup> See Office of the Attorney General, Regulatory Affairs and Public Advocacy Section’s Comment’s, at 6.

<sup>102</sup> *Id.* at 7.

<sup>103</sup> See Staff Decisional Matrix, Staff Proposed Regulation, attached as RJ-1, at 38.

### **3 AAC 48.300(b)**

This subsection outlines the process the Commission will observe when responding to a request to waive the statutory notice period for a tariff filing.<sup>104</sup>

ML&P commented that the way this proposed regulation is currently phrased implies that the Commission may take all the stated actions.<sup>105</sup> ML&P proposed revising the proposed regulation to state that “the Commission will take one of the following actions”. Additionally, ML&P noted a grammatical error that should be corrected.<sup>106</sup> Staff agrees with ML&P’s comments.<sup>107</sup>

### **3 AAC 48.320(b)**

This subsection requires every utility or pipeline carrier that offers a service regulated by the Commission to have an effective tariff that sets out the rates, charges, regulations, and terms and conditions of each applicable service.<sup>108</sup>

AT&T commented that to streamline the tariff filing process and ensure that intrastate tariffs are aligned with interstate tariffs, the Commission should allow the carrier to reference the provision in the applicable interstate tariff or guidebook instead of directly stating the rates and rules.<sup>109</sup> Rural Coalition commented that it agreed with AT&T’s proposed revisions to this section in that it would streamline the tariff filing process for carriers and supports the proposed changes.<sup>110</sup>

RAPA commented that AT&T’s suggestion regarding this provision is inconsistent with AS 42.05.361(a).<sup>111</sup> RAPA noted that with the language AT&T proposed it appears to effectively circumvent RCA jurisdiction over intrastate rates.<sup>112</sup> Staff agrees with RAPA’s comment and notes that the language that AT&T proposed is specific to Interexchange Carriers (IXC) and cannot be applied to all utilities.

### **3 AAC 48.330(a)**

This subsection outlines the format that must be used for all tariff sheets filed with the Commission.<sup>113</sup>

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<sup>104</sup> See Staff Decisional Matrix, attached as RJ-1, at 39.

<sup>105</sup> See Comments of Municipal Light and Power in Response to Order Nos. R-15-006(2) and R-15-006(3), at 6.

<sup>106</sup> *Ibid.*

<sup>107</sup> See Staff Decisional Matrix, Staff Proposed Regulation, attached as RJ-1, at 39.

<sup>108</sup> See Staff Decisional Matrix, attached as RJ-1, at 42.

<sup>109</sup> See Comments of AT&T, at 3.

<sup>110</sup> See Rural Coalition Reply Comments, at 6.

<sup>111</sup> See AS 42.05.361(a), which states “[...] every public utility shall file with the commission [...] its complete tariff showing all rates, including joint rates, tolls, rental, and charges collected [...]”.

<sup>112</sup> See Office of the Attorney General, Regulatory Affairs & Public Advocacy Section’s Reply Comments, at 4.

<sup>113</sup> See Staff Decisional Matrix, attached as RJ-1, at 46.

RAPA<sup>114</sup> and Enstar<sup>115</sup> commented that they noticed a grammatical error that should be corrected.

RAPA,<sup>116</sup> ML&P,<sup>117</sup> and Enstar<sup>118</sup> commented that it agrees with Staff that the regulation requiring tariff sheet revision numbers should remain. RAPA stated that it relies upon tariff sheet revision numbers when researching, reviewing, and analyzing tariffs. ML&P also noted that if this subsection is amended, the Commission should consider eliminating the phrase “but within the lined margin of the tariff sheets” from 3 AAC 48.360(i).<sup>119</sup>

Staff agrees with ML&P’s comments; however, Staff notes that 3 AAC 48.360(i) is a regulation that has not been addressed in this docket until this time. Staff believes that the revision proposed by ML&P is within the scope of R-15-006; therefore, Staff proposes to revise 3 AAC 48.360(i) to remove “but within the lined margin of the tariff sheets”.<sup>120</sup>

### **3 AAC 48.330(a)(3)**

This subsection requires that the tariff sheet revision numbers must be present on the tariff sheets filed with the Commission.<sup>121</sup>

Enstar commented that the reference to “revision numbers” should be singular.<sup>122</sup> Staff agrees.

### **3 AAC 48.340(a)**

This section describes the designation process for original tariff sheets, as well as the process that will be observed in amending, canceling, or removing tariff sheets from an effective tariff. Specifically, this subsection clarifies that each tariff sheet must include a reference to the RCA in the upper left corner.<sup>123</sup>

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<sup>114</sup> See Office of the Attorney General, Regulatory Affairs and Public Advocacy Section’s Comment’s, at 5.

<sup>115</sup> See Comments of ENSTAR Natural Gas Company, Alaska Pipeline Company, and Cook Inlet Natural Gas Storage Alaska, LLC, at 4.

<sup>116</sup> See Office of the Attorney General, Regulatory Affairs and Public Advocacy Section’s Comment’s, at 6.

<sup>117</sup> See Comments of Municipal Light and Power in Response to Order Nos. R-15-006(2) and R-15-006(3), at 6.

<sup>118</sup> See Reply Comments of ENSTAR Natural Gas Company, Alaska Pipeline Company, and Cook Inlet Natural Gas Storage Alaska, LLC, at 3.

<sup>119</sup> See 3 AAC 48.360(i) which states “[t]he 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, but within the lined margin of the tariff sheets.”

<sup>120</sup> See Staff Decisional Matrix, Staff Proposed Regulation, at 57.

<sup>121</sup> See Staff Decisional Matrix, attached as RJ-1, at 46.

<sup>122</sup> See Comments of ENSTAR Natural Gas Company, Alaska Pipeline Company, and Cook Inlet Natural Gas Storage Alaska, LLC, at 4.

<sup>123</sup> See Staff Decisional Matrix, attached as RJ-1, at 48.

AT&T commented that this subsection should only apply to tariff sheets filed on a going-forward basis.<sup>124</sup> A carrier should not have to refile all of its entire tariff sheets if this information is currently not on each and every sheet. Rural Coalition commented that it agrees with the comments made by AT&T and the proposed regulations, as written, have unintended consequences.<sup>125</sup> The Rural Coalition proposed that the regulation contain an effective date, such as “Each tariff sheet filed after September 1, 2016...”.<sup>126</sup>

Staff sees no issues with AT&T’s comments and has incorporated its proposed language. Staff does not believe the effective date noted by the Rural Coalition is necessary. Staff believes that the effective date will be set by the date the regulations go into effect, and setting a specific effective date in the regulations will not be necessary.

### **3 AAC 48.340(c) and (d)**

This subsection addresses the presence and formatting of revision numbers on tariff sheets and the formatting of tariff sheet numbers.<sup>127</sup>

Enstar commented that there appears to be an inconsistency between the currently effective 3 AAC 48.340(c)<sup>128</sup> and (d)<sup>129</sup> and the proposed regulation.<sup>130</sup> Enstar noted that the currently effective regulation seems to require that the revision number be spelled out (i.e. “First Revision”)<sup>131</sup> but the proposed regulation seems to imply that using the Arabic number is permissible. Enstar suggested that 3 AAC 48.340(c) and (d) should be amended to clarify that either numbering convention is permissible.<sup>132</sup> Additionally, ML&P commented that a utility must consistently use either dashed or periods.<sup>133</sup> Staff has drafted language to incorporate both Enstar and ML&P’s comments.<sup>134</sup>

### **3 AAC 48.360(a)(4)**

This subsection requires that the first page of each effective tariff be the title page, which includes the tariff number, revised tariff sheet number, the exact legal name of the utility or pipeline carrier, the area to which the tariff applies, the effective date of the tariff sheet, the

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<sup>124</sup> See Comments of AT&T, at 4.

<sup>125</sup> See Rural Coalition Reply Comments, at 5.

<sup>126</sup> *Ibid.*

<sup>127</sup> See Staff Decisional Matrix, attached as RJ-1, at 50 through 52.

<sup>128</sup> See 3 AAC 48.340(c), which sets out the format for revision numbers on tariff sheets.

<sup>129</sup> See 3 AAC 48.340(d), which sets out the format for tariff sheet numbers.

<sup>130</sup> See Comments of ENSTAR Natural Gas Company, Alaska Pipeline Company, and Cook Inlet Natural Gas Storage Alaska, LLC, at 4.

<sup>131</sup> *Ibid.*

<sup>132</sup> *Ibid.*

<sup>133</sup> See Comments of Municipal Light and Power in Response to Order Nos. R-15-006(2) and R-15-006(3), at 6.

<sup>134</sup> See Staff Decisional Matrix, Staff Proposed Regulation, attached as RJ-1, at 50 through 52.



complete address if the utility or pipeline carrier and the name, title and signature of the person authorized to issue the tariff.<sup>135</sup>

AT&T commented that it believes that a small revision is required to clarify that a tariff must include a complete set of terms and conditions governing the services offered by each utility in its applicable tariff.<sup>136</sup> Staff believes this revision is reasonable. There are utilities that offer more than one service and, therefore, have more than one tariff (i.e. Chugach Electric Association, Inc. which provides electric service and IXC service and has separate tariffs for each service).

## **Conclusion**

At the technical conference held for R-15-002, participants expressed concerns regarding the Commission's existing tariff form and filing requirements found in 3 AAC 48.200 – 48.442. In response, the Commission opened R-15-006 to address tariff form and filing requirements. The Commission held a technical conference and issued revised proposed regulations for public comment, based on the feedback from the technical conference. The Commission received 5 comments and 6 reply comments. Staff has drafted revised language for the proposed regulations incorporating the feedback from commenters.

Attached as Exhibit RJ-1 are commenter's proposed revisions, and Staff's proposed revisions to the draft tariff form and filing regulations. Staff believes its proposed regulations will translate into the submission of more streamlined tariff filings that include the information truly necessary for the Commission to process and review tariff proposals. Further, Staff believes that the proposed revisions to the draft regulations reasonably incorporate the comments received during the public comment period. However, some of the revisions proposed by commenters suggest more significant changes to the draft regulations. These significant revisions can be seen in the decisional matrix attached as Exhibit RJ-1. Presented on the decisional matrix, the Commissioners can see the post technical conference draft regulations, the revisions proposed by commenters, and revisions proposed by Staff, compared side-by-side. Staff recommends that the Commission adopt Staff's proposed amendments to Title 3, Chapters 48 – 53 of the Alaska Administrative Code, as shown on Exhibit RJ-1, which address general tariff form and filing requirements.

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<sup>135</sup> See Staff Decisional Matrix, attached as RJ-1, at 56.

<sup>136</sup> *Ibid.*

**R-15-006, General Tariff Form & Filing Regulations**  
**Decisional Matrix**  
**Prepared for April 12, 2017 Public Meeting**

At the public meeting held on February 25, 2015, the Commission voted to open a docket to discuss the expansion of electronic filing to all docket and non-docket related proceedings, including tariff filings and reports. In addition, the Commission scheduled a technical conference, which was held on April 27, 2015 (see Order R-15-002(1)). At the technical conference, participants expressed some concerns regarding the Commission’s existing tariff form and filing requirements found in 3 AAC 48.200 – 3 AAC 48.430. For example, 3 AAC 48.330 outlines specific formatting directions for tariff sheets. ACS, GCI, Enstar, and the Rural Coalition all supported revisions to the existing regulations that require tariff sheets to include “boxes” that delineate different sections of a tariff sheet, stating that the required formatting was extremely difficult to perform electronically.

In response to the concerns expressed at the R-15-002 technical conference, Staff suggested that a separate regulations docket be opened to address tariff form and filing requirements and prepared draft regulations, which amended a number of the tariff filing regulations to improve their clarity and consistency. On July 1, 2015, the Commission voted to open a regulations docket to address the general tariff form and filing requirements and scheduled a technical conference to discuss Staff’s proposed regulations. The technical conference was held on September 28, 2015. Revised tariff filing regulations were drafted following the technical conference. On May 24, 2016, the Commission issued R-15-006(2) proposing regulations for comment.

In general, the commenters were in consensus regarding the proposed regulations. The majority of commenters states that they appreciated the opportunity to participate in the technical conference and agreed with the proposed regulations issued for comment following the technical conference. The majority of the substantial comments proposed grammatical and typographical edits, with a smaller minority of the comments proposing more substantial edits to the proposed regulations. Based on the comments received during the comment period, Staff has restructured the decisional matrix that issued following the technical conference to incorporate the comments submitted to the Commission.

In order to aid the reader in following Staff’s proposed path of reorganization, the matrix below includes the columns entitled “Post-Technical Conference Proposed Regulation”, “Commenter Proposed Regulation” and “Staff Proposed Regulation” which provide the revisions proposed by commenters and Staff proposed revisions, if applicable, including any regulation drafting notations (i.e. bold and underlining for new or amended language and brackets and capitalization for repealed language). Proposed revisions to the regulations, as proposed by commenters and by Staff, are included in the columns entitled “R-15-006, Commenter Proposed Regulation” and “R-15-006, Staff Proposed Regulation” and are highlighted in red. If Staff received no comments or if the comments regarding a regulation propose no changes that is noted in the synopsis preceding the regulation, then no proposed revisions to the post-technical conference regulation is shown.

**3 AAC 48.220. Tariff filing submission, calculation of statutory notice period and effective date [FILING OF TARIFF].**

In general, Staff proposes to repeal 3 AAC 48.220 in its entirety, reenact the section under a new section heading and adopt language that addresses the submission of a tariff filing to the Commission, as well as the calculation of the statutory notice period and effective date for a tariff filing. The regulations proposed under this reenacted section bring together various provisions of the existing tariff form and filing requirements. The only existing language that Staff is not proposing to relocate to another section within 3 AAC 48.200 – 3 AAC 48.430 is 3 AAC 48.220(f), which requires a pipeline carrier to file tariff sheets in accordance with 3 AAC 48.220 – 3 AAC 48.430 within 120 days after the effective date of the subsection. Staff proposes to repeal this language in its entirety because pipeline carriers are already required to submit tariff sheets in accordance with the Commission's tariff form and filing requirements (AS 42.06.350(a)).

3 AAC 48.220(a): This proposed subsection states that the statutory notice period for a tariff filing will not begin until the filing has met the Commission's form and filing requirements and that any such filing that fails to meet these requirements will in the Commission's discretion be rejected. The proposed language under this subsection is intended to reflect the Commission's historical practice of rejecting tariff filings that do not meet the Commission's general tariff form and filing requirements and attempts to clarify the Commission's standard practice of allowing a rejected tariff filing to be supplemented within a certain number of days (i.e. typically five (5) business days) before the filing is closed and returned to the filing utility or pipeline carrier. Moreover, existing language from 3 AAC 48.280(c) has been incorporated into this subsection and clarifies that a tariff filing that is refiled by a utility or pipeline carrier after it has been rejected and returned is subject to the same statutory notice period as the original tariff filing.

In addition, Staff removed references to "special contracts" since Staff is proposing to discuss all special contract tariffing provisions under 3 AAC 48.260. Specifically, 3 AAC 48.260(a) states that all special contracts will be treated as tariff filings; therefore, Staff believes that there is no need to reference both special contracts and tariff filings, since they are one in the same by definition. Staff has also removed all language stating that a tariff filing that fails to meet the Commission's form and filing requirements has the same status as if it had never been filed. The Commission does not treat rejected tariff filings or those that do not meet the form and filing requirements as having "never been filed." This is in large part due to the Commission's record keeping, which requires each submitted tariff filing to have a separate tariff advice number. If a rejected tariff filing was treated as though it had never been filed, the tariff advice number assigned to the rejected tariff filing could be used for the next tariff submission. This would leave no record or placeholder of the rejected filing.

Comments received by Staff noted that greater consistency is needed in references to form and filing requirements. RAPA proposed two options for possible language. The first proposes to revise the section in its entirety and the second option, seen below as Commenter Proposed Regulation, Option 2, proposes replacing specific language to maintain consistency between this regulation and other form and filing regulations. Enstar agreed with the language proposed by RAPA; however, it suggested that if the language is accepted by the Commission, it should be broken into smaller subsections. The combined language proposed by RAPA and ML&P is seen below as Commenter Proposed Regulation, Option 1. Additionally, Enstar commented that it noticed several grammatical and typographical edits that should be revised.

Staff agrees with ML&P, Enstar, and RAPA's proposed language as presented in Commenter Proposed Regulation, Option 2, seen below as "Staff Proposed Regulation". Staff believes the language proposed in this regulation effectively incorporates the comments received by RAPA, Enstar, and ML&P and, therefore, recommends the Commission adopt the revision shown below under "Staff Proposed Regulation".

Continued ... 3 AAC 48.220. Tariff filing submission, calculation of statutory notice period and effective date [FILING OF TARIFF].

Continued ... 3 AAC 48.220(a)

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation Option 1	R-15-006, Commenter Proposed Regulation Option 2	R-15-006, Staff Proposed Regulation
3 AAC 48.280(a)	(a) Unless otherwise provided, the statutory notice period for a tariff filing will 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 requirements provided by statute, and by 3 AAC 48.200 - 3 AAC 48.430, and those requirements are not waived by the commission, the filing will, in the commission's discretion, be rejected. The statutory notice period for a rejected tariff filing may begin only after the filing is supplemented, within a timeframe specified by the 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 timeframe 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, it is subject to the same statutory notice requirements as the original filing.	<u>Unless otherwise provided, the statutory notice period for a tariff filing will not begin until the filing utility or pipeline carrier has made a complete filing. If the utility or pipeline carrier submits an incomplete tariff filing because the tariff filing does not meet all the notice requirements provided by statute and the form and filing requirements of 3 AAC 48.200 – 3 AAC 48.430, and those requirements are not waived by the Commission, the Commission may, in its discretion, reject the incomplete filing or allow the utility or pipeline carrier to supplement [ITS TARIFF FILING TO COMPLY WITH ALL APPLICABLE REQUIREMENTS,] the incomplete filing within the timeframe specified by the commission as follows:</u> <u>(1) if a utility or pipeline carrier supplements its previously incomplete tariff filing to comply with all applicable requirements within the time specified by the commission, the tariff filing will then be regarded as a complete filing and the statutory notice period will begin from the time the filing was made complete.</u> <u>(2) If a utility or pipeline carrier fails to supplement an incomplete tariff filing in order to comply will all applicable requirements within the timeframe specified by the commission, the tariff filing will be rejected, closed and returned to the utility or pipeline carrier. A tariff filing that is refiled by the utility or pipeline carrier after having been rejected, closed and return as provided in this chapter, must comply with all the requirements of this provision before the statutory notice period will begin.</u> If a tariff filing is refiled by the utility or pipeline carrier after having been rejected and returned as provided in this chapter, [IT IS SUBJECT TO THE SAME STATUTORY NOTICE REQUIREMENTS AS THE ORIGINAL FILING] <u>it shall be renumbered with the next available tariff advice number and treated as a new filing.</u>	(a) Unless otherwise provided, the statutory notice period for a tariff filing will 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 <u>and form and filing</u> requirements provided by statute[,] and by 3 AAC 48.200 - 3 AAC 48.430, and those requirements are not waived by the commission, the filing will, in the commission's discretion, be rejected. The statutory notice period for a rejected tariff filing may begin only after the filing is supplemented, within a timeframe specified by the 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 timeframe 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, [IT IS SUBJECT TO THE SAME STATUTORY NOTICE REQUIREMENTS AS THE ORIGINAL FILING] <u>it shall be renumbered with the next available tariff advice number and treated as a new tariff filing.</u>	(a) Unless otherwise provided, the statutory notice period for a tariff filing will 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 <u>and form and filing</u> requirements provided by statute[,] and [BY] 3 AAC 48.200 - 3 AAC 48.430, and those requirements are not waived by the commission, the filing will, in the commission's discretion, be rejected. The statutory notice period for a rejected tariff filing may begin only after the filing is supplemented, within a timeframe specified by the 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 timeframe 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, [IT IS SUBJECT TO THE SAME STATUTORY NOTICE REQUIREMENTS AS THE ORIGINAL FILING] <u>it shall be renumbered with the next available tariff advice number and treated as a new tariff filing.</u>

Continued ... 3 AAC 48.220. Tariff filing submission, calculation of statutory notice period and effective date [FILING OF TARIFF].

3 AAC 48.220(b): This proposed subsection attempts to incorporate amended language from R-15-002 (Electronic Filing) that addresses the permissive electronic submission of tariff filings and clarifies that if a utility or pipeline carrier wishes to submit a tariff filing on paper it must provide an original and five copies. The existing language that details the time of day that a tariff filing must be submitted to the Commission is addressed in 3 AAC 48.220(d). In its comments, RAPA proposed that either “tariff filing” or “tariff advice filing” should be used consistently throughout the regulation. Staff believes that the language proposed by RAPA is reasonable and aids in maintaining the continuity and clarity of the regulation and therefore recommends the Commission adopt the revision shown below under “Staff Proposed Regulation”.

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.240(a)	(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 public utility or pipeline carrier filing on paper shall submit an original and five copies of each tariff advice filing, unless otherwise directed.	(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 public utility or pipeline carrier filing on paper shall submit an original and five copies of each tariff [ADVICE] filing, unless otherwise directed.	(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 public utility or pipeline carrier filing on paper shall submit an original and five copies of each tariff [ADVICE] filing, unless otherwise directed.

**Continued ... 3 AAC 48.220. Tariff filing submission, calculation of statutory notice period and effective date [FILING OF TARIFF].**

3 AAC 48.220(c): This proposed subsection outlines how a utility or pipeline carrier should submit a tariff filing to the Commission and the statutory timelines that will be applied to utility tariff filings, initial pipeline tariff filings and other pipeline tariff filings. The majority of the language in this subsection reflects the Staff proposed language in 3 AAC 48.220(a), with a few exceptions. Specifically, Staff proposes to remove language that specifies (1) the means by which a tariff advice letter should be numbered, (2) how a utility or pipeline carrier should propose an early effective date for a tariff filing, (3) how additional rate studies pertinent to a tariff filing should be submitted and (4) the means by which a utility or pipeline carrier can request interim approval of a tariff filing. In order to consolidate the tariff form and filing regulations, as well as improve the readability of the regulations, Staff proposes to move specific language regarding tariff advice letter numbering, additional rate study information, requests for an early effective date and interim approval requests to 3 AAC 48.270(a).

In addition, Staff proposes to remove references to the number of paper copies that are required to be submitted with a tariff filing, in light of the permissive electronic filing regulations adopted in R-15-002 (see 3 AAC 48.220(b)). Further, Staff proposes to remove references to tariff filings being “on file” with the Commission within a specified number of days in order for the filing to take effect. Staff believe that the phrase “on file” with the Commission may cause confusion and that stating that a tariff filing must be “submitted” to the Commission within a specified number of days more accurately reflects the actual practice of submitting tariff filings to the Commission.

ML&P proposed to add “except as provided in 3 AAC 48.270(a)”, as seen below in Commenter Proposed Regulation Option 1, to exclude tariffs filed with applications for new and amended certificates of public convenience and necessity from requiring tariff advice letters. In addition, Enstar proposes that to qualify that each tariff filing “is subject to one of” the statutory notice periods, as seen below under Commenter Proposed Regulation Option 2. Finally, RAPA propose a grammatical correction.

Staff believes that the citation proposed by ML&P is too narrow and does not account for filing types not covered under 3 AAC 48.270(a), such as Simplified Pipeline Tariff Filings. Therefore, Staff has incorporated Enstar and RAPA’s proposed language into Staff’s proposed regulation, as seen below under “Staff Proposed Regulation”. Additionally, Staff has incorporated the RAPA comment on 3 AAC 48.220(c) into this subsection to distinguish between tariff filings and tariff advice letters. Staff recommends the Commission adopt the revision shown below under “Staff Proposed Regulation”.

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation Option 1	R-15-006, Commenter Proposed Regulation Option 2	R-15-006, Staff Proposed Regulation
3 AAC 48.220(a)	(c) Each tariff filing submitted to the commission must be transmitted by means of consecutively numbered tariff advice letters Every advice letter must and contain the applicable information set out in 3 AAC 48.270(a), unless another commission regulation provides otherwise and must follow the following statutory notice periods:	(c) <b><u>Except as provided in 3 AAC 48.270(a)</u></b> [E]each tariff filing submitted to the commission must be transmitted by means of consecutively numbered tariff advice letters. Every <b><u>tariff</u></b> advice letter must <b><u>[AND]</u></b> contain the applicable information set out in 3 AAC 48.270(a), unless another commission regulation provides otherwise, and must follow the following statutory notice periods:	(c) Each tariff filing submitted to the commission must be transmitted by means of consecutively numbered tariff advice letters. Every <b><u>tariff</u></b> advice letter must <b><u>[AND]</u></b> contain the applicable information set out in 3 AAC 48.270(a), unless another commission regulation provides otherwise, and <b><u>[MUST FOLLOW] is subject to one of</u></b> the following statutory notice periods:	(c) Each tariff filing submitted to the commission must be transmitted by means of consecutively numbered tariff advice letters. Every <b><u>tariff</u></b> advice letter must <b><u>[AND]</u></b> contain the applicable information set out in 3 AAC 48.270(a), unless another commission regulation provides otherwise, and <b><u>[MUST FOLLOW] is subject to one of</u></b> the following statutory notice periods:

Continued ... 3 AAC 48.220. Tariff filing submission, calculation of statutory notice period and effective date [FILING OF TARIFF].

Continued ... 3 AAC 48.220(c)

RAPA commented that there is a typographical error in 3 AAC 48.220(c)(3), as seen below under “Commenter Proposed Regulation”. Staff agrees with RAPA’s comment and recommends the Commission adopt the revision shown below under “Staff Proposed Regulation”.

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.220(a)	(1) A utility tariff filing must be submitted to the commission at least 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 commission regulation provides for a different filing method or time period;	<i>No change</i>	<i>No change</i>
3 AAC 48.220(a)	(2) An initial pipeline tariff filing must be submitted to the commission at least 90 days before it may take effect unless the commission, by order, authorizes the filing to take effect in less than 90 days from the date of filing, or unless another commission regulation provides for a different filing method or time period.	<i>No Change</i>	<i>No change</i>
3 AAC 48.220(a)	(3) A pipeline tariff filing, other than an initial pipeline tariff filing, must be submitted to the commission at least 30 days before it may take effect unless the commission, by order, authorizes the filing to take effect in less than 30 days from the date of filing, or unless another commission regulation 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 at [LEASE] <b>least</b> 30 days before it may take effect unless the commission, by order, authorizes the filing to take effect in less than 30 days from the date of filing, or unless another commission regulation 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 at [LEASE] <b>least</b> 30 days before it may take effect unless the commission, by order, authorizes the filing to take effect in less than 30 days from the date of filing, or unless another commission regulation provides for a different filing method or time period.



**Continued ... 3 AAC 48.220. Tariff filing submission, calculation of statutory notice period and effective date [FILING OF TARIFF].**

3 AAC 48.220(d): This proposed subsection attempts to merge three subsections in the existing tariff form and filing regulations that address the timing of tariff filing submissions and how the Commission will calculate the statutory notice period for each tariff filing into one concise subsection of the regulations. Specifically, Staff proposes to consolidate existing language from 3 AAC 48.240(a) and 3 AAC 48.240(c), which state that a tariff filing must be received no later than 4:30 p.m. on a regular business day for the purposes of calculating a filing's statutory notice period. Further, 3 AAC 48.240(c) and 3 AAC 48.280(b) discuss how the Commission will calculate the statutory timeline for a tariff filing that has an end date on a Saturday, Sunday or other holiday. Staff believes that incorporating these three regulations into one subsection within the regulations will improve the readability of the regulations and allow the reader to only have to look in one place to understand when a tariff filing must be submitted to the Commission and the process that will be observed in calculating the statutory timeline for tariff filings.

In its comments, ML&P stated that the proposed 3 AAC 48.220(d) incorporates the same official filing date and period counting rules set forth in 3 AAC 48.090(a) but with different language. ML&P proposes new language, as seen below as Commenter Proposed Regulation Option 1, to remove tariff-specific language. RAPA proposed a reorganization of the first sentence, as seen below as Commenter Proposed Regulation Option 2. Finally, Enstar proposes to add "and the public" to "first day of the period of notice with the commission". Staff has incorporated Enstar's proposal into Commenter Proposed Regulation Option 2.

Staff believes ML&P's proposed revision to 3 AAC 48.220(d) proposes language that is not applicable to tariff filings and therefore should not be used in this subsection. However, Staff also believes that sections of language from 3 AAC 48.090 are applicable in this situation; therefore, Staff proposes to incorporate sections of 3 AAC 48.090(a) into this subsection. Additionally, Staff proposes that the revisions proposed by RAPA be incorporated into the language proposed by ML&P and by Enstar. These revisions can be seen below as "Staff Proposed Regulation". Staff recommends the Commission adopt the regulation proposed by Staff, seen below as "Staff Proposed Regulation".



Continued ... 3 AAC 48.220. Tariff filing submission, calculation of statutory notice period and effective date [FILING OF TARIFF].

Continued ... 3 AAC 48.220(d)

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation Option 1	R-15-006, Commenter Proposed Regulation Option 2	R-15-006, Staff Proposed Regulation
3 AAC 48.240(a)	(d) A tariff filing, whether submitted on paper or electronically, will be considered filed with the commission for the purpose of determining the statutory notice period any time prior to 5:00 p.m. on a regular business day. 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 in accordance with AS 01.10.080 and the public. Every Saturday, Sunday, or legal holiday for State of Alaska offices during the succeeding 29, 44, or 89 days, whichever is applicable, will be counted as part of the notice period to the commission. If a notice period ends on a Saturday, Sunday, or legal holiday, the notice period will be extended to the end of the commission's next regular business day. In computing the statutory notice period, no consideration will be given to notice by telephone, electronic mail or facsimile.	(d) [A TARIFF FILING, WHETHER SUBMITTED ON PAPER OR ELECTRONICALLY, WILL BE CONSIDERED FILED WITH THE COMMISSION FOR THE PURPOSE OF DETERMINING THE STATUTORY NOTICE PERIOD ANY TIME PRIOR TO 5:00 P.M. ON A REGULAR BUSINESS DAY. 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 IN ACCORDANCE WITH AS 01.10.080 AND THE PUBLIC. EVERY SATURDAY, SUNDAY, OR LEGAL HOLIDAY FOR STATE OF ALASKA OFFICES DURING THE SUCCEEDING 29, 44, OR 89 DAYS, WHICHEVER IS APPLICABLE, WILL BE COUNTED AS PART OF THE NOTICE PERIOD TO THE COMMISSION]. <u>The statutory notice periods set forth in 3 AAC 48.220(c) shall be determined in the same manner that the prescribed period after notice or service of a pleading is determined under 3 AAC 48.090.</u>	(d) A tariff filing <u>made prior to 5 p.m. on a regular business day</u> , whether submitted on paper or electronically, will be considered filed with the commission for the purpose of determining the statutory notice period [ANY TIME PRIOR TO 5:00 P.M. ON A REGULAR BUSINESS DAY]. 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 <u>and the public</u> in accordance with AS 01.10.080 [AND THE PUBLIC]. Every Saturday, Sunday, or legal holiday for State of Alaska offices during the succeeding 29, 44, or 89 days, whichever is applicable, will be counted as part of the notice period to the commission. If a notice period ends on a Saturday, Sunday, or legal holiday, the notice period will be extended to the end of the commission's next regular business day. In computing the statutory notice period, no consideration will be given to notice by telephone, electronic mail or facsimile.	(d) ) A tariff filing <u>made prior to 5 p.m. on a regular business day</u> , whether submitted on paper or electronically, will be considered filed with the commission for the purpose of determining the statutory notice period [ANY TIME PRIOR TO 5:00 P.M. ON A REGULAR BUSINESS DAY]. 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 <u>and the public</u> in accordance with AS 01.10.080 [AND THE PUBLIC]. [EVERY SATURDAY, SUNDAY OR LEGAL HOLIDAY FOR STATE OF ALASKA OFFICES DURING THE SUCCEEDING 29, 44, OR 89 DAYS, WHICHEVER IS APPLICABLE, WILL BE COUNTED AS PART OF THE NOTICE PERIOD TO THE COMMISSION]. <u>The statutory notice periods set forth in 3 AAC 48.220(c) shall be determined in the same manner prescribed under 3 AAC 48.090.</u> If a notice period ends on a Saturday, Sunday, or legal holiday, the notice period will be extended to the end of the commission's next regular business day. In computing the statutory notice period, no consideration will be given to notice by telephone, electronic mail or facsimile.

Continued ... 3 AAC 48.220. Tariff filing submission, calculation of statutory notice period and effective date [FILING OF TARIFF].

Continued ... 3 AAC 48.220(d)

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.240(c)	[TARIFF FILINGS, WHETHER RECEIVED ON PAPER OR ELECTRONICALLY AFTER 5:00 P.M. ON A REGULAR BUSINESS DAY, OR ON A SATURDAY, SUNDAY, OR LEGAL HOLIDAY FOR ALASKA STATE OFFICES, WILL BE STAMPED AS HAVING BEEN RECEIVED [DELIVERED] ON THE COMMISSION'S NEXT REGULAR BUSINESS DAY. THE DAY AFTER THE RECEIVED [DELIVERY] DATE WILL BE COUNTED AS THE FIRST DAY OF THE PERIOD OF NOTICE TO THE COMMISSION IN ACCORDANCE WITH AS 01.10.080. EVERY SATURDAY, SUNDAY, OR LEGAL HOLIDAY DURING THE SUCCEEDING 29, 44, OR 89 DAYS, WHICHEVER IS APPLICABLE, WILL BE COUNTED AS PART OF THE NOTICE PERIOD, EXCEPT THAT IF THE NOTICE PERIOD ENDS ON A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THE NOTICE PERIOD WILL BE EXTENDED TO THE END OF THE COMMISSION'S NEXT REGULAR BUSINESS DAY.]	<i>No Changes</i>	<i>No Changes</i>
3 AAC 48.280(b)	[THE STATUTORY PERIOD OF NOTICE TO THE COMMISSION AND THE PUBLIC WITH RESPECT TO SPECIAL CONTRACTS, AND EVERY NEW OR REVISED TARIFF RATE, CHARGE, RULE, REGULATION, CONDITION OF SERVICE, OR PRACTICE, STARTS RUNNING AS OF THE DAY AFTER THE DATE THE FILING IS RECEIVED [DELIVERED] BY THE COMMISSION IN ACCORDANCE WITH 3 AAC 48.240. IN COMPUTING THE STATUTORY NOTICE PERIOD, NO CONSIDERATION WILL BE GIVEN TO NOTICE BY TELEPHONE, ELECTRONIC MAIL OR FACSIMILE [TELEGRAPH.]	<i>No Changes</i>	<i>No Changes</i>

Continued ... 3 AAC 48.220. Tariff filing submission, calculation of statutory notice period and effective date [FILING OF TARIFF].

3 AAC 48.220(e): This proposed subsection mirrors a majority of the existing language from 3 AAC 48.280(c), with the exception of language addressing proposed tariff filing effective dates, which Staff proposes to move to 3 AAC 48.220(f) in order to improve the clarity and readability of the regulations. In addition, Staff did not include the statement that if a tariff filing is refiled by a utility after being rejected it will be subject to the same notice requirements as the original filing in this subsection and proposes to reintroduce the language in 3 AAC 48.220(a).

Moreover, the existing language in 3 AAC 48.280(c) states that a tariff filing that is submitted too late to allow the statutory notice period to run before a designated effective date will be “returned” to the utility or pipeline carrier. Tariff filings are only “returned” to a company if they are rejected or withdrawn. AS 42.05.361(c) allows for the Commission to reject a tariff filing that does not meet the Commission’s form and filing requirements. Therefore, Staff believes that use of the word “returned” in 3 AAC 48.280(c) does not accurately reflect the Commission’s authority or practice of rejecting tariff filings. In order remedy this deficiency, Staff proposes that all references to “returned” tariff filings should be removed from 3 AAC 48.280(c) and replaced with the word “rejected.”

ML&P commented that more specific citations to 3 AAC 48.270 and 3 AAC 48.300 might be more pertinent here. However, Staff notes that 3 AAC 48.270 and 3 AAC 48.300 do not cover filings for simplified pipeline tariff filings filed under 3 AAC 48.460. Staff believes that, given the example of simplified pipeline tariff filings, the more generic citation of 3 AAC 48 gives the Commission more flexibility in cases where 3 AAC 48.270 and 3 AAC 48.300 may not apply. Therefore, Staff proposes no changes be made to the “Post Technical Conference Staff Proposed Regulation”. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Propose Regulation
3 AAC 48.280(c)	(e) Except as otherwise provided in 3 AAC 48, any tariff filing submitted to the commission with insufficient time to accommodate [the statutory notice period before a proposed effective date will, in the commission’s discretion, be rejected ...	(e) Except as otherwise provided in 3 AAC 48. <u>270 and 3 AAC 48.300</u> , any tariff filing submitted to the commission with insufficient time to accommodate [the statutory notice period before a proposed effective date will, in the commission’s discretion, be rejected ...	<i>No Changes</i>

**Continued ... 3 AAC 48.220. Tariff filing submission, calculation of statutory notice period and effective date [FILING OF TARIFF].**

3 AAC 48.220(f): This proposed subsection takes existing language from 3 AAC 48.240(b) and 3 AAC 48.280(c) and combines it into one subsection that allows for a utility or pipeline carrier to request an proposed effective date for a tariff filing prior to the end of the statutory notice period, as long the request is included in an accompanying tariff advice letter (see 3 AAC 48.270). If a specific effective date is not designated in a advice letter, the Commission has traditionally assumed a proposed effective date is the last day of the statutory period of notice to the Commission or 30 days after the filing date for a revised pipeline tariff, 45 days after the filing date for a utility tariff and 90 days after the filing date for an initial pipeline tariff (see 3 AAC 48.280(c) (1)-(3)). Staff believes that the existing language in 3 AAC 48.240(b) and 3 AAC 48.280(c) address the same issue (i.e. proposed tariff filing effective dates) and that the tariff form and filing regulations would improve from consolidating the provisions into one subsection. Moreover, Staff's proposed language in this subsection attempts to clarify that if a proposed effective date is not included in a tariff advice letter that the Commission will treat the last day of the statutory notice period as the effective date for the tariff filing, unless the filing is suspended in accordance with 3 AAC 48.310(d).

Staff proposes to move some of the existing language from 3 AAC 48.280(c) to 3 AAC 48.220(f) that allows the Commission to reject a tariff filing that includes a proposed effective date more than 90 days after the date the filing is submitted with the Commission. Staff believes that the inclusion of this language in this newly enacted subsection consolidates existing language that was included in various subsections of the regulations and clearly outlines the scenarios under which the Commission will reject a tariff filing due to a proposed effective date.

In its comments, ML&P suggested that the correct citation in proposed 3 AAC 48.220(f) be 3 AAC 48.240(d). Staff believes that should the Commission adopt these regulations, the citation would need to be updated as proposed by ML&P. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as "Post Technical Conference Staff Proposed Regulation".

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulations
3 AAC 48.240(b)	(f) A utility or pipeline carrier may propose an effective date prior to the end of the statutory notice period for a tariff filing as set out in 3 AAC 48.270(a).	(f) A utility or pipeline carrier may propose an effective date prior to the end of the statutory notice period for a tariff filing as set out in 3 AAC 48. <del>[270(a)]</del> <b>[240(d)]</b> .	(f) A utility or pipeline carrier may propose an effective date prior to the end of the statutory notice period for a tariff filing as set out in 3 AAC 48. <del>[270(a)]</del> <b>[240(d)]</b> .
3 AAC 48.280(c)	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).	<i>No Changes</i>	<i>No Changes</i>
3 AAC 48.240(b)	A tariff filing will, in the commission's discretion, be rejected if a proposed effective date is more than 90 days after the date it 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.	<i>No Changes</i>	<i>No Changes</i>

**Continued ... 3 AAC 48.220. Tariff filing submission, calculation of statutory notice period and effective date [FILING OF TARIFF].**

3 AAC 48.220(g): This proposed subsection consolidates existing language from 3 AAC 48.220(b) and 3 AAC 48.240(b) that details how the Commission validates and returns tariff sheets. Traditionally, the Commission has returned copies of validated tariff sheets, special contracts, agreements, forms or any other document required by Commission order (i.e. those stamped with the Commission's date stamp applied to the upper right corner) to economically regulated companies after a tariff filing is approved or takes effect. The language proposed by Staff in this subsection clarifies the Commission's validation process, including the location of the Commission's receipt stamp and effective date on each tariff sheet, form or other document.

In its comments, Enstar states that the Commission should consider revising the last sentence because some filings have specified effective dates and waiting until after the effective date of the filing to return the tariff sheets may cause confusion. Enstar also proposed adding "after approval" to the beginning of the first sentence to improve clarity, see below Commenter Proposed Regulation. Staff is proposing to only adopt the first section of Enstar's proposed language, clarifying "[a]fter approval", as seen below under "Staff Proposed Regulation". Staff notes that there are situations in which returning tariff sheets to the utility on or before the effective date of the filings is impossible. For example, the Commission has allowed certain types of filings take effect upon filing, such as COPA, COEA, and COFS filings. In these circumstances, although the tariff sheets are in effect, the 45 day statutory notice period is still effective, and the Commission does not return tariff sheets until after approval by the Commission. Staff recommends the Commission adopt the regulation proposed by Staff, seen below under "Staff Proposed Regulation".

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.220(b)	(g) The commission will validate all effective tariff sheets, special contracts, agreements, forms or any other document required by commission order, by placing its date of receipt stamp on the upper right corner of each tariff sheet, form or other document and by entering the appropriate effective date on the bottom right corner of each tariff sheet, form or other document. The commission will return a copy of all effective tariff sheets, special contracts, agreements, forms or any other document required by commission order to the utility or the pipeline carrier after the effective date of the filing...	(g) <u>After approval, [T]</u> the commission will validate all effective tariff sheets, special contracts, agreements, forms or any other document required by commission order, by placing its date of receipt stamp on the upper right corner of each tariff sheet, form or other document and by entering the appropriate effective date on the bottom right corner of each tariff sheet, form or other document. The commission will return a copy of all effective tariff sheets, special contracts, agreements, forms or any other document required by commission order to the utility or the pipeline carrier [AFTER] <u>on or before</u> the effective date of the filing...	(g) <u>After approval, [T]</u> the commission will validate all effective tariff sheets, special contracts, agreements, forms or any other document required by commission order, by placing its date of receipt stamp on the upper right corner of each tariff sheet, form or other document and by entering the appropriate effective date on the bottom right corner of each tariff sheet, form or other document. The commission will return a copy of all effective tariff sheets, special contracts, agreements, forms or any other document required by commission order to the utility or the pipeline carrier after the effective date of the filing...
3 AAC 48.240(b)	... [THE COMMISSION WILL ENTER THE EFFECTIVE DATE ON EACH TARIFF SHEET] ...	<i>No Changes</i>	<i>No Changes</i>

Continued ... 3 AAC 48.220. Tariff filing submission, calculation of statutory notice period and effective date [FILING OF TARIFF].

3 AAC 48.220(h): This proposed subsection mirrors the existing language from 3 AAC 48.220(e), with an additional clarification that every “effective” tariff on file with the Commission is considered to be lawful. Staff believes that including the word “effective” in the proposed regulation makes it clear that a tariff, as well as any proposed revision to tariff submitted through the tariff filing process are not considered lawful until they are made effective by the Commission (i.e. the tariff filing is approved or allowed to take effect under a separate set of Commission regulations).

No changes are proposed from the Post Technical Conference Staff Proposed Regulations; therefore, Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.220(e)	(h) Every effective tariff on file with the commission is considered to be lawful until revised in accordance with the procedures established by law and 3 AAC 48.200 – 3 AAC 48.430 and other commission regulations.	No Changes	No Changes



**3 AAC 48.230. Additional public notice [BILLING AND CONTRACT FORMS].**

The regulations included in this existing subsection require each economically regulated utility or pipeline carrier to submit to the Commission all routine billing and contract form. The billing and contract forms are required to be submitted as tariff filings. In this proceeding, Staff proposes to repeal 3 AAC 48.230 in it's entirely, reenact the section under a new section heading and adopt language that addresses additional public notice of tariff filings. The regulations proposed under this reenacted section bring together various provisions of the existing tariff form and filing requirements. As detailed below, Staff believes that there is no longer any need to require companies to submit their billing and contract forms.

Technical conference participants, with the exception of the Attorney General's office, have echoed Staff's sentiment and stated that submission of tariffed billing and contract forms are unnecessary and create duplicative work for economically regulated companies. Technical conference participants also alluded to the fact that a number of their billing and contract forms are revised frequently (i.e. bill messages to customers on the back of a monthly billing statement) and could include regulated and unregulated services. Further, technical conference participants asserted the existing regulations under 3 AAC 48.230 have been interpreted by other Commission Staff to mean that all customer applications, shut off notices, as well as main extension, line extension and deferred payment agreements, etc. must be incorporated in a company's tariff, which has caused a significant amount of additional work for utility and pipeline carriers. Finally, technical conference participants noted that there are specific exemptions to this filing requirement with regard to competitive local exchange and intrastate interexchange carriers.

In an attempt to better understand how existing Commission Staff uses a utility or pipeline carrier's billing and contract forms, Staff contacted the Commission's Consumer Protection (CP), Tariff, and Administration sections and requested that they provide specific examples of how the Commission uses a company's tariffed billing and contract forms, as well a detailed explanation detailing why the existing billing and contract form requirements should remain in place. The information provided from the Commission's CP, Tariff and Administration sections indicated that a company's tariffed billing forms are most often used to (1) determine whether an electric utility is in compliance with the requirements of 3 AAC 52.410 (Establishment of Permanent Service), 3 AAC 52.430 (General Billing & Collection Requirements), 3 AAC 52.445 (Deferred Payment Agreements), 3 AAC 52.450 (Disconnection of Service) and 3 AAC 52.450(c)(3), (2) ensure a company's billing and contract forms mirror its tariff provisions, (3) verify that the Regulatory Cost Charge is a separate line item on customer bills and (4) investigate informal complaints.

Based on the information provided, Staff remains convinced that the requirement that billing and contract forms continue to be submitted and approved through the tariff filing process is unnecessary and doesn't provide "real time" information that would be useful in determining whether a company is currently in compliance with Commission's regulations, a utility or pipeline carrier's current tariff or in investigating an informal complaint. Staff remains confident that if an electric company was failing to comply with the Commission's regulations regarding electric service and safety, a utility or pipeline carrier was not following its current tariff provisions or failing to include the Regulatory Cost Charge as a separate line item on a bill, a customer or shipper would submit an informal complaint with the Commission. Further, Staff believes that having "real time" information (i.e. a customer's current bill, application, shut office notice, etc.) during an informal complaint investigation, which could easily be acquired, will lead to a more accurate resolution of a complaint than relying on possibly outdated information (i.e. tariffed billing and contract forms).

In addition, Staff has discovered that many of the billing and contract forms included in economically regulated utility and pipeline tariffs are not reviewed on a regular basis, which leads Staff to believe that some if not all of the billing and contract forms in an company's tariff may be outdated and wouldn't provide the accurate supporting information to properly investigate an informal complaint.

**Continued ... 3 AAC 48.230. Additional public notice [BILLING AND CONTRACT FORMS].**

3 AAC 48.230: This proposed section combines the majority of the existing language found in 3 AAC 48.280(e) into a single stand-alone regulation, with some minor exceptions. In general, the proposed regulation gives the Commission discretionary authority to require a tariff advice filing to be noticed to the public through newspaper publication, individual notice to customers or on the Commission's website. In order to clarify that the Commission typically chooses to provide public notice of a tariff filing through publication in one or more newspapers, as opposed to individual customer notice, Staff proposes to remove the word "and" and replacing it with "or" in the language proposed in 3 AAC 48.230(1).

In addition, existing language in 3 AAC 48.280(e)(2) states that individual notice to all customers or shippers affected by a proposed tariff revision will be affected by direct mail or by the Commission using envelopes that have been furnished by the utility or pipeline carrier. Staff proposes to remove references to "direct mail" and language stating that a utility or pipeline carrier provide unsealed, stamped and addressed envelopes at the entity's expense to the Commission and replace it with a statement that individual notice to all affected customers and shippers should be affected "by hand, United States mail or similar delivery service." This language mirrors the Commission's definition of "service" under 3 AAC 48.820(35).

In its comments ML&P stated that it believes newspaper notices no longer meets the requirements of AS 42.05.411(a) and that publication on the Commission website would be more appropriate. ML&P proposes several changes to the proposed regulations as shown below under "Commenter Proposed Regulation". RAPA disagreed with ML&P's proposal to delete newspaper notice. Staff disagrees with ML&P's comments and believes that by leaving the Commission the option to provide additional notice to the public through the newspaper leaves the Commission additional flexibility in case where it may be necessary. Therefore, Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as "Post Technical Conference Staff Proposed Regulation".

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.280(e)	The commission will, in its discretion, and on a case-by-case basis, prescribe one or more appropriate additional means by which a tariff filing must be further noticed to the public, including, but not limited to	<b>Public notice of tariff filings is provided by filing with the commission and publication on the commission's website.</b> The commission will in its discretion, and on a case-by-case basis, prescribe one <b>or more means, in addition to filing with the commission and publication on the commission's website,</b> by which a tariff filing must be further noticed to the public <b>[INCLUDING, BUT NO LIMITED TO]. Additional public notice may include,</b> but is not limited to	<i>No Change</i>
3 AAC 48.280(e)(1)	(1) publication in one or more newspapers or via other news media at the expense of the filing utility or pipeline carrier; or	<b>[(1)PUBLICATION IN ONE OR MORE NEWSPAPERS OR VIA OTHER NEWS MEDIA AT THE EXPENSE OF THE FILING UTILITY OR PIPELINE CARRIER; OR]</b>	<i>No Change</i>
3 AAC 48.280(e)(2)	(2) individual notice to all customers or shippers that may be affected by the tariff filing, either by hand, by United States mail or a similar delivery service, under conditions prescribed by the commission, or by the commission itself; or	<b>[(2)]</b> (1) individual notice to all customers or shippers that may be affected by the tariff filing, either by hand, by United States mail or a similar delivery service, under conditions prescribed by the commission, or by the commission itself; <b>[OR].</b>	<i>No Change</i>
	(3) publication on the commission's website.	<b>[(3) PUBLICATION ON THE COMMISSION'S WEBSITE.]</b>	<i>No Change</i>



**3 AAC 48.240. Suspension and rejection of tariff filings [DELIVERY OF TARIFF].**

In general, Staff proposes to repeal 3 AAC 48.240 in it's entirely, reenact the section under a new section heading and adopt existing language from 3 AAC 48.310 that addresses the suspension and rejection of tariff filings. As detailed above, Staff proposes to consolidate the majority of the language included in the existing regulations under this section into 3 AAC 48.220, which details how a utility or pipeline carrier should submit a tariff filing to the Commission and the statutory timelines that will be applied to utility tariff filings, initial pipeline tariff filings and other pipeline tariff filings. For example, Staff proposes to move existing language from 3 AAC 48.240(a) to 3 AAC 48.220(b). Staff believes that combing general tariff form and filing requirements into one section (i.e. 3 AAC 48.220) will improve the clarity and readability of the regulations.

3 AAC 48.240(a): This proposed subsection moves existing language from 3 AAC 48.310(a) to the newly enacted 3 AAC 48.240(a) and states that a filing that is filed with the Commission that does not meet its general tariff form and filing requirements or reflects retroactive rate treatment will be rejected. Staff is not proposing to revise any of the existing language from 3 AAC 48.310(a). Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as "Post Technical Conference Staff Proposed Regulation".

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.310(a)	(a) A tariff filing that is received by the commission in a form or filed by a method which, in whole or in part, is not consistent with 3 AAC 48.200 - 3 AAC 48.430, or which reflects retroactive rate treatment, will, in the commission's discretion, be rejected.	<i>No Changes</i>	<i>No Changes</i>

3 AAC 48.240(b): This proposed subsection relocates existing language from 3 AAC 48.310(b) to the newly enacted section 3 AAC 48.240(b), which explains that a rejected tariff filing will be returned to the filing company with a letter outlining the reason the filing was rejected. In order to improve the clarity of the regulation, Staff proposes to revise the existing language by removing the word "it" and replacing it with "the filing". Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as "Post Technical Conference Staff Proposed Regulation".

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.310(b)	(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 was rejected.	<i>No Changes</i>	<i>No Changes</i>

**Continued ... 3 AAC 48.240. Suspension and rejection of tariff filings [DELIVERY OF TARIFF].**

3 AAC 48.240(c): This proposed subsection moves existing language from 3 AAC 48.310(c) to the newly enacted 3 AAC 48.240(c), which states that a rejected tariff filing is void and will be treated as though it had never been filed. The Commission's standard practice with regard to rejected tariff filings has been to provide a company with a certain number of days (i.e. typically five (5) business days) to perfect a tariff filing that has been rejected for form and filing. The tariff filing's statutory timeline begins the date on which the Commission receives the supplemental information. If the tariff filing is not supplemented the tariff filing is closed. Under either scenario, the Commission does not treat a rejected tariff filing as though it had never been filed. This is in large part due to the Commission's record keeping, which requires each submitted tariff filing to have a separate tariff advice number. If a rejected tariff filing was treated as though it had never been filed, the tariff advice number assigned to the rejected tariff filing could be used for the next tariff submission. This would leave no record or placeholder of the rejected filing. In order to conform with the Commission's actual practice, Staff proposes to repeal language stating that a rejected tariff filing will be treated as though it had never been filed. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as "Post Technical Conference Staff Proposed Regulation".

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.310(c)	(c) A tariff filing or any portion of one, that has been rejected is void.	<i>No Changes</i>	<i>No Changes</i>

3 AAC 48.240(d): This proposed subsection moves existing language from 3 AAC 48.310(d) to the newly enacted 3 AAC 48.240(d) and states that the Commission may suspend a tariff filing any time prior to the end of the statutory notice period. Staff is not proposing to revise any of the existing language from 3 AAC 48.310(d). Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as "Post Technical Conference Staff Proposed Regulation".

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.310(d)	(d) The commission will, in its discretion, by order stating the reason, suspend a tariff filing either in whole or in part at any time before the end of the statutory notice period to the commission.	<i>No Changes</i>	<i>No Changes</i>

**Continued ... 3 AAC 48.240. Suspension and rejection of tariff filings [DELIVERY OF TARIFF].**

3 AAC 48.240(e): This proposed subsection relocates existing language from 3 AAC 48.310(e) to the newly enacted section 3 AAC 48.240(d), which explains that any part of a tariff filing that is not suspended prior to the expiration of the statutory notice period or granted an extension of the statutory notice period will take effect. In order to improve the clarity of the regulation, Staff proposes to revise the existing language by changing the word “run” to “expired” the clarify that the statutory notice period for a tariff filing must expire prior to a tariff filing taking effect due to a lack of Commission action. Further, Staff proposes to remove the reference to the statutory notice periods established in 3 AAC 48.240 and replace it with a reference to 3 AAC 48.220, which will be reenacted to discuss the statutory timelines for all tariff filings.

Enstar proposes removing the comma after tariff filing because it’s unnecessary. Staff agrees with Enstar’s proposed edit. Staff recommends the Commission adopt the regulation proposed by Staff, seen below as “Staff Proposed Regulation”.

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.310(e)	(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 in accordance with 3 AAC 48.220, or at a later date designated by the utility or pipeline carrier.	(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 in accordance with 3 AAC 48.220, or at a later date designated by the utility or pipeline carrier.	(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 in accordance with 3 AAC 48.220, or at a later date designated by the utility or pipeline carrier.

3 AAC 48.240(f): This proposed subsection moves existing language from 3 AAC 48.310(f) to the newly enacted 3 AAC 48.240(f) and states that the Commission will use the same docket number assigned to a suspended tariff filing for any subsequent orders. In order to improve the clarity of the regulation, Staff proposes to revise the existing language to reflect that a “tariff filing” will be suspended as opposed to a “tariff” which could be construed as the effective tariff of a utility or pipeline carrier. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.310(f)	(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.	<i>No Changes</i>	<i>No Changes</i>

**Continued ... 3 AAC 48.240. Suspension and rejection of tariff filings [DELIVERY OF TARIFF].**

3 AAC 48.240(g): This proposed subsection relocates existing language from 3 AAC 48.310(g) to the newly enacted section 3 AAC 48.240(g), which explains that if a suspended tariff filing withdrawn and later refiled, the Commission will suspend the filing again up to the full statutory period. In order to improve the clarity of the regulation, Staff proposes to revise the existing language by removing the word “it” and replacing it with “the filing.” Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

<b>Existing Regulation Citation</b>	<b>R-15-006, Post Technical Conference Staff Proposed Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
3 AAC 48.310(g)	(g) If a suspended tariff filing is withdrawn by a utility or a pipeline carrier and later refiled, the commission will, in its discretion, suspend the filing again up to the full statutory period.	<i>No Changes</i>	<i>No Changes</i>

3 AAC 48.240(h): This proposed subsection moves existing language from 3 AAC 48.310(h) to the newly enacted 3 AAC 48.240(h) and states that an order suspending a tariff filing may be vacated. Staff is not proposing to revise any of the existing language from 3 AAC 48.310(h). Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

<b>Existing Regulation Citation</b>	<b>R-15-006, Post Technical Conference Staff Proposed Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
3 AAC 48.310(h)	(h) An order of the commission suspending a tariff filing, in whole or in part, may later be vacated, in whole or in part, by means of an order in the same formal proceeding.	<i>No Changes</i>	<i>No Changes</i>

Continued ... 3 AAC 48.240. Suspension and rejection of tariff filings [DELIVERY OF TARIFF].

3 AAC 48.240(i): This proposed subsection moves existing language from 3 AAC 48.310(i) to the newly enacted 3 AAC 48.240(i) and states that if a utility or pipeline carrier submits supplemental information into a suspended tariff filing and the additional information presents a material change in the original tariff filing, that the Commission will suspend the filing again up to the full statutory period. Staff proposes to remove the reference to 3 AAC 48.280, since existing language addressing additional public notice of a tariff filing is proposed to be relocated to 3 AAC 48.230. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.310(i)	(i) During the suspension period, a utility or pipeline carrier may supplement or amend its tariff filing or make additional filings. However, if the supplementary or additional filings represent or make a significant or material change in the original filing, the commission will, in its discretion, suspend the filing again up to the full statutory period and renotice the supplemented or amended filing to the public under 3 AAC 48.230.	No Change	No Change

**3 AAC 48.250. Tariff on file for public inspection.**

In general, 3 AAC 48.250 describes what information must be made available to the public for review and inspection (i.e. a company’s effective tariff and general tariff form and filing regulations of the Commission).

3 AAC 48.250(a): This subsection requires a utility or pipeline carrier to maintain a list in its effective tariff of the locations where it keeps a copy of its tariff. Overall, technical conference participants suggested that customers and general members of the public do not review their effective tariffs and instead rely on information provided on a company’s website or by a customer service representative. While Staff agrees that there may be few customers or members of the public that know and understand the purpose of a utility or pipeline carrier’s tariff and what information may be obtained from one, Staff remains convinced that a company should still be required to maintain a tariff and include a list the locations where a copy of its effective tariff may be located. However, Staff believes that the existing regulation could be improved by clarifying that a company’s tariff may be available for public inspection either on paper or electronically, which would give utility and pipeline carriers greater flexibility in determining how they wish to maintain their effective tariffs.

ML&P proposes in its comments that this subsection be deleted, as shown in Commenter Proposed Regulation Option 1. AT&T Alaska proposes adding the website address of the electronic tariff. RAPA states that AS 42.05.361(a) requires that a utility have a copy of its tariff at its principle business office and in each community service, therefore they disagree with AT&T Alaska’s proposal. Staff disagrees with ML&P’s comment and believes that the requirements contained in 3 AAC 48.250(a) are necessary to comply with AS 42.05.361(a). Additionally, Staff agrees with the language proposed by AT&T with minor revisions, however also notes RAPA reply comment. Staff believes that the regulation, as proposed following the technical conference could be interpreted as a utility is required to state the location of the paper copy of its tariff or its electronic tariff. As utility and pipeline carriers are required to keep a copy of their tariffs available to the public for viewing per AS 42.05.361(a), Staff believes the proposed regulation should more closely define the requirements in order to comply with AS 42.05.361(a). Staff proposes to incorporate the language proposed by AT&T with minor revisions to specify the importance of the paper tariff. Staff recommends the Commission adopt the regulation proposed by Staff, seen below as “Staff Proposed Regulation”.

R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation Option 1	R-15-006, Commenter Proposed Regulation Option 2	R-15-006, Staff Proposed Regulation
(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 or electronic tariff available 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 OR ELECTRONIC TARIFF AVAILABLE 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 or <u>the website address of its</u> electronic tariff [AVAILABLE 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 <u>tariff available for public inspection</u> [or] <u>and, if applicable, the website address of its</u> electronic tariff [AVAILABLE FOR PUBLIC INSPECTION].

**Continued...3 AAC 48.250. Tariff on file for public inspection.**

3 AAC 48.250(c): This subsection states that a copy of the general tariff form and filing regulations (i.e. 3 AAC 48.220 – 48.430) must be available to the public at each location where a company keeps a copy of its effective tariff. Based on comments received at the technical conference, Staff does not believe that it is necessary for a utility or pipeline carrier to provide a copy of the Commission's regulations regarding tariff filings at the same location where the company maintains its effective tariff for public inspection. Staff believes that few, if any, customers or members of the general public are well-versed in the construction, preparation, content, filing, posting and publication of a tariff filing. Staff believes that if a customer or a member of the public were interested in viewing the Commission's regulations regarding tariff form and filing requirements that the information could easily be obtained on the Commission's website or by contacting the Commission's Consumer Protection or Tariff sections. Therefore, Staff proposes to repeal 3 AAC 48.250(c) in its entirety.

RAPA commented on 3 AAC 48.260, that it opposes repealing that section, citing that it is necessary for a utility to provide signage in its office or other location notifying the public of the availability of the tariff for inspection. Staff proposes that, if the Commission agrees with RAPA's comment, the requirements RAPA noted in the currently effect 3 AAC 48.260 should be moved to 3 AAC 48.250 due to the reorganization proposed in this docket. RAPA proposes keeping the requirement contained in the currently effective 3 AAC 48.260 in its entirety, as seen below under "Commenter Proposed Regulation". Staff believes that the requirements set out in the currently effective 3 AAC 48.260 are overly strict and not necessary for a utility or pipeline carrier to comply with AS 42.05.361(a); therefore, it is not necessary to reenact them in the proposed revisions. Staff recommends the Commission repeal 3 AAC 48.250(c) as proposed by Staff following the technical conference, seen below as "Post Technical Conference Staff Proposed Regulation".

R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
[(c) A COPY OF 3 AAC 48.200 – 3 AAC 48.430 MUST BE MADE AVAILABLE TO THE PUBLIC FOR INSPECTION AT EACH PLACE WHERE A UTILITY OR PIPELINE CARRIER MAINTAINS A COMPLETE UP-TO-DATE COPY OF ITS TARIFF ON FILE FOR PUBLIC INSPECTION AS REQUIRED BY THIS SECTION.]	<u>(c) At each place where a utility keeps an up-to-date copy of its tariff on file for public inspection, it must permanently post a sign reading as follows:</u> <u>A COMPLETE, UP-TO-DATE FILE OF THE PRESENTLY EFFECTIVE RATES, CHARGES, RULES AND REGULATIONS OF (here insert exact legal name of utility in full) IS AVAILABLE HERE FOR PUBLIC INSPECTION, ON DEMAND, BY ANY MEMBER OF THE GENERAL PUBLIC DURING REGULAR BUSINESS HOURS WITH NO REQUIREMENT FOR A REASON FOR THE INSPECTION. A REPRESENTATIVE OF THIS UTILITY ON DUTY IN THIS OFFICE WILL LEND ASSISTANCE IN SECURING INFORMATION FROM THE TARIFF.</u>	No Changes
	<u>(d) The sign required by (c) of this section must</u> <u>(1) be no smaller in size than eight and one-half inches by 11 inches;</u> <u>(2) be printed or plainly typed in large bold letters;</u> <u>(3) be posted in a conspicuous place, readily accessible to the public, where it can be easily seen and read by anyone interested.</u>	



**3 AAC 48.260 Special [C]contracts. [PUBLIC NOTICE OF UTLITY TARIFF INSPECTION PRIVILEGE].**

The regulations included in this existing subsection require each to utility or pipeline carrier to post a sign at each location where it maintains a copy of its effective tariff for public inspection, that restates the requirements under 3 AAC 48.250 (i.e. the effective tariff is available for public inspection during regular business hours with no requirement for a reason for the inspection). Formatting directions for the posted sign are also outlined under the existing language. In this proceeding, Staff proposes to repeal 3 AAC 48.260 in it's entirely, reenact the section under a new section heading and adopt language that addresses special contracts. The regulations proposed under this reenacted section bring together various provisions of the existing tariff form and filing requirements.

In general, Staff believes that there is no longer any need to require economically regulated companies to post a sign stating that a copy of a utility or pipeline carrier's effective tariff is available for public inspection. Based on the comments received at the technical conference, it appears that few if any, utility or pipeline carrier customers or general members of the public physically travel to a company's office and request to review an effective tariff and instead rely on information provided on a company's website or by a customer service representative. Further, the requirements under the existing language of 3 AAC 48.260 simply reiterate what is already required under 3 AAC 48.250. Therefore, Staff proposes to repeal this section in its entirety and readopt language from 3 AAC 48.220(c), 3 AAC 48.220(g) and 3 AAC 48.390 with the section heading "Special Contracts." Staff believes that relocating existing special contract language to this newly enacted section will improve the readability of the Commission's tariff form and filing regulations. In its comments RAPA disagreed with the commission's decision to repeal the requirement for a utility or pipeline carrier to provide signage stating that a copy of its effective tariff is available for public inspection. Staff has taken RAPA's comments and incorporated them into the proposed 3 AAC 48.250 (seen on page 22).

3 AAC 48.260(a): This proposed subsection combines the majority of the existing language found in 3 AAC 48.220(c) into a single regulation that addresses all special contracts. The existing regulation states that special contracts are treated as tariff filings and specifies certain types of agreements between an economically regulated company and a customer must be filed with the Commission. In order to improve the readability of the regulation, Staff proposes to replace the word "filed" tariff with "effective" tariff, due to the distinguishing factors between the two (i.e. an "effective" tariff is one that has been approved by the Commission or been allowed to take effect, while a "filed" tariff has not had any action taken on it). Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as "Post Technical Conference Staff Proposed Regulation".

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.220(c)	(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 does not apply to the merchandising of equipment and appliances, parts replacement and repair work on customer-owned equipment, utility construction or materials purchase contracts, easements, applications for membership in cooperative associations, or service agreements which merely recite the provisions of a utility's effective tariff.	No Changes	No Changes



**Continued ... 3 AAC 48.260. Special Contracts [PUBLIC NOTICE OF UTILITY TARIFF INSPECTION PRIVILEGE].**

3 AAC 48.260(b): This proposed subsection moves existing language from 3 AAC 48.390(a)(1)-(2) to the newly enacted 3 AAC 48.260(b)(1)-(2) and states that a special contract submitted to the Commission must include a provision indicating that the parties understand that the contract does not take effect without Commission approval and is at all times subject to revision by the Commission. Staff is not proposing to revise any of the existing language from 3 AAC 48.390(a)(1)-(2).

AT&T proposed to delete that the provision that a special contract is at all times subject to revisions by the Commission because they believe the parties to the special contract should be allowed the opportunity to cancel the contract if the Commission makes any changes.

Staff believes that the subsection that AT&T proposed to delete does not prevent a utility or pipeline carrier from withdrawing a special contract if the Commission chooses to revise it in a way the parties to the special contract do not agree with; therefore, deleting 3 AAC 48.260(b)(2) would limit the Commission's powers. Additionally, removing this requirement would conflict the requirements of 3 AAC 48.390. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as "Post Technical Conference Staff Proposed Regulation".

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.390(a)	(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	(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	<i>No Changes</i>
3 AAC 48.390(a)(1)	(1) does not take effect without the prior approval of the commission; and	(1) Does not take effect without the prior approval of the commission. <b>[; AND]</b>	<i>No Changes</i>
3 AAC 48.390(a)(2)	(2) is, at all times, subject to revisions by the commission.	<b>[(2) IS AT ALL TIMES SUBJECT TO REVISIONS BY THE COMMISSION]</b>	<i>No Changes</i>

3 AAC 48.260(c): This proposed subsection relocates existing language from 3 AAC 48.390(b) to the newly enacted 3 AAC 48.260(c) and provides the parties to a special contract with the opportunity to be heard prior to the revision of a special contract. Staff proposes to clarify this regulation by stating that the Commission is the entity responsible for revising a special contract. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as "Post Technical Conference Staff Proposed Regulation".

Existing Regulation Citation	Existing Regulation	R-15-006, Technical Conference Staff Proposed Regulation	R-15-006, Post Technical Conference Staff Proposed Regulation
3 AAC 48.390(b)	(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.	<i>No Changes</i>	<i>No Changes</i>

Continued ... 3 AAC 48.260. Special Contracts [PUBLIC NOTICE OF UTLITY TARIFF INSPECTION PRIVILEGE].

3 AAC 48.260(d): This proposed subsection moves existing language from 3 AAC 48.390(c) to the newly enacted 3 AAC 48.260(d) and states that a special contract may not be used to give a party a unreasonable preference or advantage when compared to tariffed conditions under which a company provides comparable service to the general public. Staff is not proposing to revise any of the existing language from 3 AAC 48.390(c). Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

Existing Regulation Citation	Existing Regulation	R-15-006, Technical Conference Staff Proposed Regulation	R-15-006, Post Technical Conference Staff Proposed Regulation
3 AAC 48.390(c)	(d) A special contract shall 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.	No Changes	No Changes

**Continued ... 3 AAC 48.260. Special Contracts [PUBLIC NOTICE OF UTILITY TARIFF INSPECTION PRIVILEGE].**

3 AAC 48.260(e): This proposed subsection relocates existing language from 3 AAC 48.390(d)(1)-(5) to the newly enacted 3 AAC 48.260(e)(1)-(5) and states that a special contract may not be used to give a party a unreasonable preference or advantage when compared to tariffed conditions under which a company provides comparable service to the general public. In order to provide clarity, Staff proposes to add the word “filing” after “tariff” in 3 AAC 48.260(e)(1) and (e)(2) in order explain the difference between a “tariff” (i.e. the effective tariff under which an economically regulated company is operating and has been approved or allowed to take effect by the Commission) and a “tariff filing” (i.e. a proposal that has not been approved or allowed to take effect by the Commission). Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

<b>Existing Regulation Citation</b>	<b>R-15-006, Post Technical Conference Staff Proposed Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
3 AAC 48.390(d)	(e) The commission will, in its discretion, authorize a utility to offer untariffed services or equipment to customers by special contract under the following conditions:	<i>No Changes</i>	<i>No Changes</i>
3 AAC 48.390(d)(1)	(1) the utility has filed a tariff filing for the service or equipment in the form and accompanied by the supporting information required by 3 AAC 48.200 - 3 AAC 48.430;	<i>No Changes</i>	<i>No Changes</i>
3 AAC 48.390(d)(2)	(2) the commission has suspended the operation of the tariff filing pending final approval;	<i>No Changes</i>	<i>No Changes</i>
3 AAC 48.390(d)(3)	(3) the commission has specified the rate or rates to be charged the customer in the special contract;	<i>No Changes</i>	<i>No Changes</i>
3 AAC 48.390(d)(4)	(4) the rate or rates specified will be retroactively reviewable and revisable, upward or downward, from the effective date of the special contract, and the customer's liability will be to pay the rate or rates finally approved for the tariff filing plus or minus accrued interest if the rates finally approved are different from the rate initially approved for use in the special contract; and	<i>No Changes</i>	<i>No Changes</i>
3 AAC 48.390(d)(5)	(5) the special contract expressly advises the customer of his potential retroactive liability for increased rates, plus accrued interest.	<i>No Changes</i>	<i>No Changes</i>

Continued ... 3 AAC 48.260. **Special Contracts** [PUBLIC NOTICE OF UTILITY TARIFF INSPECTION PRIVILEGE].

3 AAC 48.260(f): This proposed subsection moves existing language from 3 AAC 48.390(e) to the newly enacted 3 AAC 48.260(f) and describes what will happen to a special contract submitted under 3 AAC 48.390(d)(1) after it is approved by the Commission. In order to provide clarity, Staff proposes to add the words “filing submitted” after “tariff” in order explain the difference between a “tariff” (i.e. the effective tariff under which an economically regulated company is operating and has been approved or allowed to take effect by the Commission) and a “tariff filing” (i.e. a proposal that has not been approved or allowed to take effect by the Commission). In addition, Staff proposes add the word “effective” in the proposed regulation to make it clear that a tariff, as well as any proposed revision to a tariff submitted through the tariff filing process are not considered lawful until they are made effective by the Commission. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.390(e)	(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.	<i>No Changes</i>	<i>No Changes</i>

3 AAC 48.260(g): This proposed subsection relocates existing language from 3 AAC 48.220(g) to the newly enacted 3 AAC 48.260(g) and states that if an approved special contract is subsequently canceled, the parties must notify the Commission by submitting a tariff advice letter, a copy of the instrument cancelling the contract and the effective date of the cancellation. Staff is not proposing to revise any of the existing language from 3 AAC 48.220(g). Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.220(g)	(g) If the parties to a special contract 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 will be by tariff advice letter and must include a copy of the instrument cancelling the special contract and the effective date of the cancellation.	<i>No Changes</i>	<i>No Changes</i>

3 AAC 48.270. **Tariff** Advice letters.

In general, 3 AAC 48.270 describes the format that should be observed for tariff advice letters submitted to the Commission, as well as the information that should be included in each letter. Staff proposes to add the qualifying word “Tariff” to the title of this section to specify what types of filings require the letters discussed in the regulation.

3 AAC 48.270(a): The requirements of this subsection are used as a basis for the rejection of non-compliant tariff filings. For example, each tariff advice letter is required to identify the number of customers or shippers that will be affected by a proposed tariff revision, as well as the revenue impact. Furthermore, a tariff advice letter is required to identify whether or not proposed revisions are for a new service and if so, any adverse effects the proposed revisions may have on customers. Staff believes that the current language used to describe the required tariff advice letter information is confusing and has resulted in different interpretations of the regulation, which has caused inconsistency in the rejection of tariff filings. In order to address this issue and provide clarity within the regulation, Staff proposes to amend 3 AAC 48.270(a) by removing specific filing requirements from the regulation that do not aid in the understanding of a proposed tariff filing and replacing it with simplified language detailing exactly what information should be provided in every tariff advice letter and specific information that should be provided in tariff advice letters that accompany proposals for new service.

In addition, Staff believes that this subsection as currently drafted is rather lengthy and creates opportunities for readers to miss important aspects of what should be included in a tariff advice letter. Therefore, Staff proposes moving certain language provisions to newly created subsections, which will be discussed in further detail below. Further, Staff proposes combine existing language from 3 AAC 48.220(a) that addresses the sequential numbering of tariff advice letters, as well as requests for interim approval and 3 AAC 48.240(b), which discusses the requesting an early effective date into 3 AAC 48.270(a). Staff believes that consolidating all language regarding tariff advice letters into one subsection will help to improve the readability of the regulations.

Finally, tariff advice letters have been required by this subsection to include the “exact legal name” of the filing utility or pipeline carrier. A number of utilities and pipeline carriers have extended legal names that include d/b/a or f/k/a extensions. For example, the exact legal name of ACS of Anchorage, LLC is ACS of Anchorage, LLC d/b/a Alaska Communications Systems, Alaska Communications, ACS Local Service and ACS. Staff does not believe that inclusion of these extensions as part of a utility or pipeline carriers “legal name” are necessary or add to the clarity to a tariff advice letter and proposes that the subsection be amended by removing the “exact legal name” requirements in a tariff advice letter. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Staff Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.270(a); 3 AAC 48.220(a)	(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 [ORIGINAL ADVICE] letter designated as “Tariff Advice Letter No. 1, 2, 3, etc.”.	No Changes	No Changes

Continued ... 3 AAC 48.270. **Tariff** Advice letters.

Continued ... 3 AAC 48.270(a)

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.270(a)	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 of the filing utility or pipeline carrier, and the name, return address and electronic mail address, if applicable of the filing utility or pipeline carrier's representative authorized to issue tariffs. Tariff advice letters must [be in substantially the following form]:	<i>No Changes</i>	<i>No Changes</i>
	(1) list the tariff advice letter number;	<i>No Changes</i>	<i>No Changes</i>
	(2) specify the statutes, regulations or commission order that the filing is made under;	<i>No Changes</i>	<i>No Changes</i>
	(3) list the tariff sheets, special contracts, agreements, forms or other documents required by commission order that are being filed;	<i>No Changes</i>	<i>No Changes</i>
	(4) summarize the proposed tariff revisions including an explanation about whether the filing proposes to implement rules, rates or both;	<i>No Changes</i>	<i>No Changes</i>

**Continued ... 3 AAC 48.270. Tariff Advice letters.**

AT&T commented that the proposed requirement under 3 AAC 48.270(a)(5) places an unnecessary burden on the utility to collect customer information. AT&T proposed that 3 AAC 48.270(a)(5) should be revised to require that the utility provide a statement setting out whether the filing will discontinue a service or increase a price and if so, also include the estimated number of customers or shipper that will be affected. Staff notes that contrary to AT&T's comment customers can be impacted by changes other than the discontinuance of service or an increase in price and Staff believes that noting how any change will effect customers is important. Therefore, Staff proposes no change from the "Post Technical Conference Staff Proposed Regulation". Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as "Post Technical Conference Staff Proposed Regulation".

Additionally, RAPA commented that the proposed 3 AAC 48.300(a) (Waiver of statutory notice) includes a requirement for a good cause showing to grant a utility a shortened statutory notice period. The currently effective version of proposed 3 AAC 48.270(a)(5) requires a utility to demonstrate good cause when requesting an early effective date. RAPA proposes that the requirement to show good cause for a tariff filing to take effect before the end of the statutory notice period should remain in 3 AAC 48.270(a)(5), as seen below under "R-15-006, Commenter Proposed Regulation". Staff believes that the specific language RAPA proposes is redundant. Therefore, Staff has proposed a more condensed revision to RAPA's proposed regulation, as seen below under "Staff Proposed Regulation". Staff recommends the Commission adopt the regulation proposed by Staff, seen below as "Staff Proposed Regulation".

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
	(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;	(5) include a statement setting out [WHETHER THE FILING WILL IMPACT ANY CURRENT CUSTOMERS OR SHIPPERS AND IF SO] <u>whether the filing will discontinue a service or increase a price and if so also include</u> , the estimated number of customers or shippers that will be affected;	<i>No Change</i>
3 AAC 48.220(a); 3 AAC 48.240(b)	(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 and explanation about why the early effective date is necessary; and	(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 <u>date</u> , [AND] <u>an</u> explanation about why the early effective date is necessary, <u>and a showing of good cause for the tariff filing to take effect before the end of the statutory notice period</u> ; and	(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 <u>date</u> and explanation [ABOUT] <u>demonstrating good cause showing</u> why the early effective date is necessary; and
3 AAC 48.220(a)	(7) if applicable, include a request for interim approval.	<i>No Change</i>	<i>No Change</i>
3 AAC 48.270(a)	[TARIFF ADVICE LETTER NO. .... (DATE; ALSO RETURN ADDRESS IF NOT SHOWN REGULATORY COMMISSION OF ALASKA ON LETTERHEAD.) (ANCHORAGE, ALASKA OFFICE ADDRESS)]	<i>No Change</i>	<i>No Change</i>



Continued ... 3 AAC 48.270. **Tariff** Advice letters.

Continued ... 3 AAC 48.270(a)

Existing Regulation Citation	Existing Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation								
3 AAC 48.270(a)	<p>COMMISSIONERS: THE TARIFF FILING DESCRIBED BELOW IS TRANSMITTED TO YOU FOR FILING, IN COMPLIANCE WITH THE ALASKA PUBLIC UTILITIES REGULATORY ACT (OR THE PIPELINE ACT, AS APPLICABLE) AND 3 AAC 48.200 - 3 AAC48.430. (LIST HERE THE TARIFF SHEETS THAT ARE BEING FILED, SUBSTANTIALLY IN THE FORM SHOWN BELOW.)</p> <table><tr><td>TARIFF SHEET NUMBER</td><td>CANCELS SHEET NUMBER</td></tr><tr><td>SCHEDULE OR</td><td></td></tr><tr><td>ORIGINAL    REVISED</td><td>ORIGINAL    REVISED</td></tr><tr><td>RULE NUMBER</td><td></td></tr></table>	TARIFF SHEET NUMBER	CANCELS SHEET NUMBER	SCHEDULE OR		ORIGINAL    REVISED	ORIGINAL    REVISED	RULE NUMBER		No Changes	No Changes
TARIFF SHEET NUMBER	CANCELS SHEET NUMBER										
SCHEDULE OR											
ORIGINAL    REVISED	ORIGINAL    REVISED										
RULE NUMBER											
3 AAC 48.270(a)	(INSERT HERE A STATEMENT SETTING OUT THE ESTIMATED NUMBER OF CUSTOMERS OR SHIPPERS WHO WILL BE AFFECTED BY EACH SEPARATE SCHEDULE LISTED AND THE ESTIMATED ANNUAL REVENUES UNDER BOTH THE EXISTING AND PROPOSED RATES. IF THE FILING IS FOR A NEW SERVICE; WILL NOT INCREASE ANY RATE OR CHARGE, RESULT IN THE TERMINATION OF AN EXISTING SERVICE, OR CONFLICT WITH ANY OTHER SCHEDULE OR RATE; OR WILL NOT IN ANY OTHER WAY ADVERSELY AFFECT CUSTOMERS, SHIPPERS, OR THE PUBLIC, INSERT A STATEMENT TO THAT EFFECT. IF THE FILING IS BASED UPON A COMPREHENSIVE STUDY, SUBMIT A COPY OF THE STUDY OR THE WORKING PAPERS USED BY THE UTILITY OR PIPELINE CARRIER.	No Changes	No Changes								



Continued ... 3 AAC 48.270. **Tariff** Advice letters.

Continued ... 3 AAC 48.270(a)

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.270(a)	WHEN A SPECIAL CONTRACT IS FILED, NAME THE SIGNATORIES TO IT; GIVE THE DATE OF EXECUTION; BRIEFLY OUTLINE THE PROVISIONS OF THE CONTRACT; AND STATE THE REASON THE CUSTOMER WAS NOT REQUIRED TO TAKE SERVICE UNDER AN EXISTING TARIFF SCHEDULE OR AN APPROPRIATE REVISION OF IT, DESIGNED TO ACCOMMODATE THE CUSTOMER AND ALL OTHERS SIMILARLY SITUATED. IF A COMMISSION ORDER IS IN ANY WAY INVOLVED, CITE IT ALSO.	<i>No Changes</i>	<i>No Changes</i>
3 AAC 48.270(a)	SPECIFY THE EXACT DATE ON WHICH THE UTILITY OR PIPELINE CARRIER WISHES THE ENTIRE FILING TO TAKE EFFECT.] IF A UTILITY OR PIPELINE CARRIER WISHES A TARIFF FILING, OR ANY DESIGNATED PART OF IT, TO TAKE EFFECT IN LESS THAN THE PERIOD PRESCRIBED BY STATUTE, CONCLUDE THE ADVICE LETTER WITH A STATEMENT OF THE REASON, IN SUFFICIENT DETAIL, TO SUPPORT A FINDING BY THE COMMISSION THAT "FOR GOOD CAUSE SHOWN THE FILING SHOULD BE ALLOWED TO TAKE EFFECT BEFORE THE END OF THE STATUTORY NOTICE PERIOD."	<i>No Changes</i>	<i>No Changes</i>
3 AAC 48.270(a)	IF INTERIM APPROVAL OF A TARIFF FILING IS REQUESTED, THAT REQUEST MUST ALSO BE SET OUT IN THE TARIFF ADVICE LETTER.)  VERY TRULY YOURS,  (EXACT LEGAL NAME OF UTILITY OR PIPELINE CARRIER IN CAPITAL LETTERS)  (NAME OF REPRESENTATIVE AUTHORIZED TO ISSUE TARIFFS OF UTILITY OR PIPELINE CARRIER)  _____ (TITLE)]	<i>No Changes</i>	<i>No Changes</i>

**Continued ... 3 AAC 48.270. Tariff Advice Letters.**

3 AAC 48.270(b): This subsection discusses the notations that are included on a tariff sheets that are filed in compliance with a Commission order. Staff believes that this language should be moved to a new subsection in order to allow for the continuation of regulations that address tariff advice letter form and filing requirements. Further discussion of these notations is discussed under subsection 3 AAC 48.270(f).

The tariff advice letter form and filing requirements currently state that if a tariff filing is based upon a comprehensive study, that a copy of that study should be filed with the tariff advice letter. Staff believes that this requirement continues to be useful in the providing the Commission with the information necessary to evaluate and determine a set course of action for a proposed tariff filing. Given that a standard tariff filing is typically evaluated under a 45 day statutory timeline, the inclusion of formal studies used in the development of a proposed tariff filing are particularly valuable in expediting the review process of a proposed filing, if they are not already on file with the Commission. Therefore, Staff believes that the requirement that a copy of a study that a tariff filing is based upon should be retained as part of the tariff advice letter form and filing requirements and that subsection 3 AAC 48.270(b) should be used to house the tariff advice letter form and filing requirements regarding formal studies. The language proposed in this subsection also mirrors existing language in 3 AAC 48.220(a), which Staff is proposing to repeal.

ML&P commented that this subsection should either be repealed (seen below as Option 1) in its entirety or be revised to retain the original language (seen below as Option 2). RAPA commented that as the word “formal” seem to be the issue it should be deleted as it is an unnecessary descriptor (seen below as Option 3). GVEA commented that the regulation is unclear when the Commission regulations on confidentiality are taken into consideration.

Staff disagrees with ML&P’s comment to repeal this subsection in its entirety. Additionally, Staff believes that RAPA’s propose language is the best solution for this issue of language that commenters have raised. Staff has incorporated RAPA’s suggested language, and drafted language to address GVEA’s concerns, seen below under “Staff Proposed Regulation”. Staff recommends the Commission adopt the regulation proposed by Staff, seen below as “Staff Proposed Regulation”.

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation Option 1	R-15-006, Commenter Proposed Regulation Option 2	R-15-006, Commenter Proposed Regulation Option 3	R-15-006, Staff Proposed Regulation
3 AAC 48.220(a)	(b) If the filing is based upon a formal 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.	<b>[(b) IF THE FILING IS BASED UPON A FORMAL 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.]</b>	(b) If the filing is based upon a <b>[FORMAL] comprehensive</b> 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.	(b) If the filing is based upon a <b>[FORMAL]</b> 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.	(b) If the filing is based upon a <b>[FORMAL]</b> 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. <b><u>If a utility or pipeline carrier wishes to keep a study confidential it may petition for confidentiality as provided in 3 AAC 48.045</u></b>

**Continued ... 3 AAC 48.270. Tariff Advice Letters.**

**NEW SUBSECTION 3 AAC 48.270(c):** A tariff advice letter submitted with a special contract is currently required to (1) include the name the signatories to the contract, (2) list the date of execution of the contract, (3) briefly outline the provisions of the contract and (4) state the reason the customer was not required to take service under an existing tariff schedule or an appropriate revision of it. Staff believes that the language currently included in 3 AAC 48.270(a) regarding special contracts should be moved to its own subsection in order to improve the clarity of the regulations and proposes that 3 AAC 48.270(c) be created in order to house the tariff advice letter form and filing requirements for special contracts.

Additionally, AS 42.05.361 states that every public utility shall file with the Commission a copy of each special contract with customer's which in any way affects or relates to the serving utility's rates, tolls, charges, rentals, classifications, services or facilities. Existing language in 3 AAC 48.220(c) states that special contracts will be treated as tariff filings. As discussed at the technical conference, the signatories to a special contract and its date of execution are items that are easily identifiable in a special contract that is filed as a tariff filing, unless it is filed under seal. Therefore, Staff proposes that the requirements that a tariff advice letter filed with a special contract include the signatories to the contract and the date of execution of the contract only be required when a utility or pipeline carrier seeks confidential treatment.

ML&P commented that 3 AAC 48.390(c) is set to be repealed at the conclusion of R-15-006; therefore, ML&P proposes that 3 AAC 48.260(c) might be a more appropriate citation. Additionally, RAPA commented that a utility should still be required to explain why a special contract customer was not required to take service under the existing tariff schedule, or an appropriate revision of it; therefore, RAPA proposed that requirement should remain in the regulations. Both ML&P and Enstar's comments can be seen below under "Commenter Proposed Regulation".

Staff believes that ML&P's comment is correct and the citation in this subsection should to 3 AAC 48.260(c). Additionally, Staff believes that RAPA's comment is reasonable and Staff is indifferent to reenacting the requirement to provide a statement explaining the necessity for the special contract. Therefore, Staff proposes to accept the language proposed by RAPA and ML&P. Staff recommends the Commission adopt the regulation proposed by Staff, seen below as "Staff Proposed Regulation".

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.270(a)	(c) When a special contract is filed, the tariff advice letter must address the requirements of 3 AAC 48.390(c)[BRIEFLY OUTLINE THE PROVISIONS OF THE CONTRACT AND INCLUDE A STATEMENT EXPLAINING [STATE] THE REASON THE CUSTOMER WAS NOT REQUIRED TO TAKE SERVICE UNDER AN EXISTING TARIFF SCHEDULE OR AN APPROPRIATE REVISION OF IT, DESIGNED TO ACCOMMODATE THE CUSTOMER AND ALL OTHERS SIMILARLY SITUATED]. If a 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.	(c) When a special contract is filed, the tariff advice letter must address the requirements of 3 AAC 48.[390(c)] <b><u>260(c) and [BRIEFLY OUTLINE THE PROVISIONS OF THE CONTRACT] include a statement explaining the reason the 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.</u></b> 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.	(c) When a special contract is filed, the tariff advice letter must address the requirements of 3 AAC 48.[390(c)] <b><u>260(c) and [BRIEFLY OUTLINE THE PROVISIONS OF THE CONTRACT] include a statement explaining the reason the 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.</u></b> 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.

Continued ... 3 AAC 48.270. **Tariff** Advice Letters.

**NEW SUBSECTION 3 AAC 48.270(d):** Under the existing regulations, a utility or pipeline carrier that wishes for its tariff filing to take effect prior to the end of the statutory notice period, must include in its tariff advice letter a statement of the reason to support a finding that “for good cause shown the filing should be allowed to take effect before the end of the statutory notice period” (i.e. less than 30 days for a revised pipeline tariff, less than 45 days for a utility tariff and less than 90 days for an initial pipeline tariff (see existing language from 3 AAC 48.280(c)). At the technical conference, Staff proposed to retain this information as part of the tariff advice letter form and filing requirements, but proposed to move the existing language to its own subsection in order to improve the clarity of the regulations. Based upon the proposed reorganization of the tariff form and filing requirements, Staff believes that the requirements of this proposed section are properly consolidated in 3 AAC 48.270(a)(6) and that there is no longer any need for the newly created subsection 3 AAC 48.270(d). Staff recommends that Commission repeal 3 AAC 48.270(d) as proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.270(a)	[... SPECIFY THE EXACT DATE ON WHICH THE UTILITY OR PIPELINE CARRIER WISHES THE ENTIRE FILING TO TAKE EFFECT. IF A UTILITY OR PIPELINE CARRIER WISHES A TARIFF FILING, OR ANY DESIGNATED PART OF IT, TO TAKE EFFECT IN LESS THAN THE PERIOD PRESCRIBED BY STATUTE, CONCLUDE THE ADVICE LETTER WITH A STATEMENT OF THE REASON, IN SUFFICIENT DETAIL, TO SUPPORT A FINDING BY THE COMMISSION THAT "FOR GOOD CAUSE SHOWN THE FILING SHOULD BE ALLOWED TO TAKE EFFECT BEFORE THE END OF THE STATUTORY NOTICE PERIOD."]	No Change	No Change

**Continued ... 3 AAC 48.270. Tariff Advice Letters.**

**NEW SUBSECTION 3 AAC 48.270(e):** The existing tariff form and filing requirements state that a request for interim approval of a tariff filing must be addressed in the accompanying tariff advice letter. At the technical conference, Staff proposed to retain the requirement as part of the tariff advice letter form and filing requirements, but proposed to move specific language regarding requests for interim approval of a tariff filing to its own subsection. Based upon the proposed reorganization of the tariff form and filing requirements, Staff believes that the requirements of this proposed subsection are properly consolidated in 3 AAC 48.270(a)(7) and that there is no longer any need for the newly created subsection 3 AAC 48.270(e). Staff recommends that Commission repeal 3 AAC 48.270(e) as proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

Existing Regulation Citation	Existing Regulation	R-15-006, Technical Conference Staff Proposed Regulation	R-15-006, Post Technical Conference Staff Proposed Regulation
3 AAC 48.270(a)	[... IF INTERIM APPROVAL OF A TARIFF FILING IS REQUESTED, THAT REQUEST MUST ALSO BE SET OUT IN THE TARIFF ADVICE LETTER ...]	<i>No Change</i>	<i>No Change</i>

**NEW SUBSECTION 3 AAC 48.270(f):** At the technical conference, Staff proposed this new subsection to relocate language from 3 AAC 48.270(b), which discussed the notations that are included on a tariff sheets that are filed in compliance with a Commission order. Traditionally, the Commission has accepted tariff sheets submitted in compliance with Commission directives with the phrase “Pursuant to Docket No. \_\_\_\_-\_\_\_\_-\_\_\_\_” on the bottom left corner of the tariff sheets. If this specific phrasing is not included on tariff sheets that have been submitted by a utility or pipeline carrier, the Commission has validated and returned the proposed tariff sheets with similar “pursuant to” language. At the technical conference, Staff proposed that the language in 3 AAC 48.270(b) be amended by removing language requiring tariff sheets to include a statement that the sheets were “Issued to comply with Order No. \_\_\_\_ in Docket No.” and replaced by the phrase “Pursuant to Docket No. \_\_\_\_-\_\_\_\_-\_\_\_\_.”

Based upon the comments provided by technical conference participants and that fact that tariff sheets submitted to the Commission absent order references can, and often are corrected with the proper “pursuant to” language during the validation process, Staff believes that there is no longer any need for the newly created subsection 3 AAC 48.270(f). Staff recommends that Commission repeal 3 AAC 48.270(f) as proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006 Staff Proposed Regulation
3 AAC 48.270(b)	[(b) TARIFF SHEETS FILED TO COMPLY WITH A COMMISSION ORDER WILL [MUST] BEAR THE FOLLOWING NOTATION TO THE LEFT OF THE WORD "EFFECTIVE": "PURSUANT TO DOCKET NO. ____-____-____." "ISSUED TO COMPLY WITH ORDER NO. _____ OF THE REGULATORY COMMISSION OF ALASKA IN DOCKET NO. _____ - _____ - _____, DATED _____."]	<i>No Change</i>	<i>No Change</i>

**3 AAC 48.280. Notice and effective date.**

Staff proposes to repeal this section in its entirety. In this proceeding, Staff is proposing to relocate the majority of the existing language in this section to 3 AAC 48.220(a), (d), (e) and (f), which attempt to consolidate the general tariff form and filing regulations into individual sections that address specific tariff filing processes and procedures. For example, existing language in 3 AAC 48.280(b) addresses the calculation of the statutory timeline for tariff filings. Similar existing language regarding statutory timelines is also found under 3 AAC 48.240(a) and (c). Staff proposes to combine the two regulations into 3 AAC 48.220(d) in order to improve the clarity and readability of the regulations. As discussed above, Staff also proposes to repeal, reenact and rename 3 AAC 48.230 (Billing and Contract Forms) to address the additional public notice requirements for all tariff filings, as a stand-alone regulation.

The only existing language that Staff is not proposing to relocate to another section within 3 AAC 48.200 – 3 AAC 48.430 is 3 AAC 48.280(d), which states that a copy of each utility or pipeline carrier tariff filing submitted to the Commission must also be readily accessible to the public at each location where the company maintains a copy of its effective tariff. Staff believes that this language was originally adopted to mirror the process the Commission observes in maintaining a “pending” section in each economically regulated utility and pipeline carrier’s tariff for the purposes of future validation of submitted tariff sheets. At the technical conference, participants suggested that customers and general members of the public do not request to review tariffs that are currently filed, but not approved by the Commission and instead rely on information provided on a company’s website or by a customer service representative. Further, all submitted tariff filings may be reviewed on the Commission’s website or acquired in person at the Commission’s offices. Therefore, Staff believes that it is no longer necessary to require a company to maintain a copy of each utility or pipeline carrier tariff filing submitted to the Commission and proposes that 3 AAC 48.280(d) be repealed in its entirety.

**3 AAC 48.290. Response to public notice.**

In general, 3 AAC 48.290 outlines how a person may respond to the public notice of a tariff filing. Staff is not proposing any amendments to the existing language in this section; however, Staff notes that revisions to this section were considered and adopted in R-15-002 (Electronic Filing). In this docket, R-15-006, Staff proposes to add the qualifying word “Public” to the title of this section in order to add clarity to the regulations. Staff recommends the Commission adopt the revision to the section title as proposed by Staff.

3 AAC 48.300. Waiver of statutory notice period.

In general, 3 AAC 48.300 describes the process the Commission will observe in responding to a utility or pipeline carrier’s request to waive the statutory notice period for a tariff filing. Staff proposes to add the qualifying word “Period” to the title of this subsection to clarify that the regulations in this section relate to a waiver of the statutory notice period of a tariff filing and not a waiver of publication notice, as detailed in the newly enacted 3 AAC 48.230.

3 AAC 48.300(a): This subsection states that a utility or pipeline carrier that seeks a waiver of the statutory notice period for a tariff filing must demonstrate that the good cause exists for the Commission to grant the waiver. Staff proposes to clarify that a demonstration of good cause must be included in the tariff advice letter submitted as part of the filing by including a reference to proposed language in 3 AAC 48.270(a)(6).

RAPA commented on 3 AAC 48.270(a)(6), that the requirement that a utility or pipeline carrier must show good cause should remain in the proposed regulations. Relating to its prior comment, RAPA comments that if the Commission decides to move forward with the post technical conference Staff proposed regulation in 3 AAC 48.270(a)(6), then the reference to 3 AAC 48.270(a)(6) should be removed from 3 AAC 48.300(a) as the showing of good cause requirement would no longer directly related back to 3 AAC 48.270(a)(6).

Staff disagrees with RAPA and believes that if the Commission chooses not to accept the language proposed by RAPA for 3 AAC 48.270(a)(6), then the requirements set of in 3 AAC 48.300 are still linked to 3 AAC 48.270(a)(6) despite the proposed change in language. Therefore, Staff believes that the reference to 3 AAC 48.270(a)(6) is necessary and the proposed regulation should remain unchanged, as seen below under “Staff Proposed Regulation”. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
(a) When a utility or pipeline carrier includes in its tariff advice letter a request for a tariff filing to take effect before the end of the statutory notice period, as provided in 3 AAC 48.270(a)(6), the burden of showing good cause for waiving statutory notice must be borne by the filing utility or pipeline carrier.	(a) When a utility or pipeline carrier includes in its tariff advice letter a request for a tariff filing to take effect before the end of the statutory notice period, <b>[AS PROVIDED IN 3 AAC 48.270(a)(6)]</b> the burden of showing good cause for waiving statutory notice must be borne by the filing utility or pipeline carrier.	No Change



**Continued ... 3 AAC 48.300. Waiver of statutory notice period.**

3 AAC 48.300(b)(1)-(4): This subsection outlines the process the Commission will observe in responding to a request to waive the statutory notice period for a tariff filing. Similar to 3 AAC 48.300(a), Staff proposes to clarify that the requested effective date of the filing, if different from the end of the statutory notice period, must be included in a filing's tariff advice letter. Staff believes that addition of the proposed language will help improve the readability of the regulations.

ML&P commented that adding language specifying that the Commission will “take one of the following actions” would add clarity to this subsection. Additionally, ML&P proposed a grammatical edit. Both of these edits can be seen below under “R-15-006, Commenter Proposed Regulation”. Staff notes that it agrees with ML&P’s comment, but proposes a merging of the post technical conference Staff proposed regulation and the Commenter Proposed Regulation so the reference to “in its discretion” remains, as seen below under “Staff Proposed Regulation”. Staff recommends the Commission adopt the regulations proposed by Staff, seen below as “Staff Proposed Regulation”.

<b>R-15-006, Post Technical Conference Staff Proposed Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
(b) In response to each request under (a) of this section, the commission will, in its discretion	(b) In response to each request under (a) of this section, the commission will[, <b>IN ITS DISCRETION</b> ] <b><u>take one of the following actions</u></b>	(b) In response to each request under (a) of this section, the commission will, in its discretion, <b><u>take one of the following actions</u></b>
(1) deny the request and require at least the statutory notice period to expire before allowing the tariff filing to take effect;	<i>No Changes</i>	<i>No Changes</i>
(2) grant the requested effective date as proposed in the tariff advice letter;	<i>No Changes</i>	<i>No Changes</i>
(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; and	(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; <b><u>[AND] or</u></b>	(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; <b><u>[AND] or</u></b>
(4) pending a public hearing, suspend the operation of the tariff filing for a period not longer than that permitted under AS 42.05.421 or AS 42.06.400.	<i>No Changes</i>	<i>No Changes</i>



**Continued ... 3 AAC 48.300. Waiver of statutory notice period.**

3 AAC 48.300(c)(1)-(4): This subsection specifies the different types of tariff filings that the Commission will, on its own motion or for good cause shown, grant a waiver of the statutory notice period. In order to improve the clarity of the regulation, Staff proposes to revise the existing language to reflect the types of “tariff filings” that will be considered for a waiver of the statutory notice period as opposed to a “tariff” which could be construed as the effective tariff of a utility or pipeline carrier. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

<b>R-15-006, Post Technical Conference Staff Proposed Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
(c) The commission, on its own motion or for good cause shown, will, in its discretion, waive statutory notice and specify an effective date prior to the end of the statutory notice period for	<i>No Changes</i>	<i>No Changes</i>
(1) tariffs of new utilities or pipeline carriers and of utilities or pipeline carriers brought under regulation by operation of law;	<i>No Changes</i>	<i>No Changes</i>
(2) tariff filings covering services, facilities, or commodities not previously furnished;	<i>No Changes</i>	<i>No Changes</i>
(3) tariffs that take effect by means of adoption notices; and	<i>No Changes</i>	<i>No Changes</i>
(4) tariff filings filed to comply with orders of the commission.	<i>No Changes</i>	<i>No Changes</i>

**3 AAC 48.310. Suspension and rejection of tariff filings.**

Staff proposes to repeal this section in its entirety. In this proceeding, Staff is proposing to relocate the existing language in this section to 3 AAC 48.240, which attempt to improve the organization and readability of the tariff form and filing regulations. All of the proposed language in 3 AAC 48.240 mirrors the existing language found in 3 AAC 48.310. As discussed above, Staff proposes to repeal, reenact and rename 3 AAC 48.240 (Delivery of Tariff) to address the suspension and rejection of tariff filings, as a standalone regulation.

**3 AAC 48.320. Separate tariff for each utility or pipeline carrier and controlling effective [EFFECTIVE] tariff [CONTROLLING].**

The regulations included in this existing section requires every utility or pipeline carrier that offers a service regulated by the Commission to have an effective tariff that sets out the rates, charges, regulations, terms and conditions of each applicable service. In this proceeding, Staff proposes to combine existing language from 3 AAC 48.350 with the current regulations in 3 AAC 48.320 in an attempt to streamline what Staff considers to be “general” effective tariffing rules. In order to clarify the purpose of the regulations in this section, Staff proposes to add qualifying language to the section title which makes it clear that the regulations relate to not only to effective tariffs, but also the requirement that a separate tariff is required for each utility or pipeline carrier.

3 AAC 48.320(a): This proposed subsection moves language from 3 AAC 48.350 that requires a single company that provides more than one kind of utility or pipeline service to file a separate tariff for each service. Staff believes that relocating existing language from 3 AAC 48.350 to 3 AAC 48.320 will help streamline the regulations and improve their readability. Further, Staff does not believe that the existing requirements found in 3 AAC 48.350 require a stand-alone section and that they correspond with the collective grouping of “general” effective tariff requirements found in 3 AAC 48.320. Staff does not propose any changes to the existing language found in 3 AAC 48.350. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.350	(a) When a single entity furnishes more than one kind of utility or pipeline service or commodity, as defined in AS 42.05 or AS 42.06, it shall file a separate tariff for each kind of utility service or pipeline carrier service or commodity that it furnishes.	No Changes	No Changes

3 AAC 48.320 Continued..

3 AAC 48.320(b): This subsection requires every utility or pipeline carrier that offers a service regulated by the Commission to have an effective tariff that sets out the rates, charges, regulations, terms and conditions of each applicable service. Staff proposes to move the existing language in 3 AAC 48.320(a) to subsection (b) in order to accommodate the consolidation of 3 AAC 48.350 into this section. Staff does not propose any changes to the existing language found under 3 AAC 48.320(a).

AT&T commented that it makes sense to allow the intrastate tariff for a long distance service to reference the corresponding interstate tariff of guidebook for the rate; therefore, AT&T proposed the language shown below under “Commenter Proposed Regulation”. Staff proposes that the Commission not accept this change as it is specific to interstate and intrastate carriers and cannot be applied to other utility types, as seen below under “Staff Proposed Regulation”. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.320(a)	(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, 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.	(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, 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] <u>a link to the rate or charge in the intrastate tariff or guidebook.</u>	No Changes

Continued ... Separate tariff for each utility or pipeline carrier and controlling effective [EFFECTIVE] tariff [CONTROLLING].

3 AAC 48.320(c): This subsection states that a utility or pipeline carrier may not deviate from its effective tariff without prior Commission approval. Staff proposes to move the existing language in 3 AAC 48.320(b) to subsection (c) in order to accommodate the consolidation of 3 AAC 48.350 into this section. Staff does not propose any changes to the existing language found under 3 AAC 48.320(b). Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.320(b)	(c) A utility or pipeline carrier may not deviate from its effective tariff or refuse to apply it uniformly without prior commission approval.	<i>No Changes</i>	<i>No Changes</i>

3 AAC 48.320(d): This subsection addresses adjustments to the overpayment or underpayment of charges levied to a customer that differ from a company’s effective tariff. Staff proposes to move the existing language in 3 AAC 48.320(c) to subsection (d) in order to accommodate the consolidation of 3 AAC 48.350 into this section. Staff does not propose any changes to the existing language found under 3 AAC 48.320(c). Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.320(c)	(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.	<i>No Changes</i>	<i>No Changes</i>

Continued ... 3 AAC 48.320. Separate tariff for each utility or pipeline carrier and controlling effective [EFFECTIVE] tariff [CONTROLLING].

3 AAC 48.320(e): This subsection requires a utility or pipeline carrier to immediately correct errors found in their effective tariffs that result from typographical or reproduction mistakes. The regulation states that corrected tariff copies will be provided to the Commission. The Commission does not maintain “tariff copies,” but rather “tariff sheets,” which are validated and maintained by the Commission’s Tariff Section. In order to ensure that the regulation mirror the Commission’s actual practice, Staff proposes to remove all references to “tariff copies” and provide references to the Commission’s tariff filing requirements in 3 AAC 48.220 and 3 AAC 48.270. Further, Staff proposes to move the existing language in 3 AAC 48.320(d) to newly created subsection (e) in order to accommodate the consolidation of 3 AAC 48.350 into this section. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.320(d)	(e) Errors occurring in an effective tariff which result solely from a typographic or reproduction mistake must, upon discovery, be corrected immediately by the utility or pipeline carrier by filing revised tariff sheets filed in compliance with 3 AAC 48.220 and 3 AAC 48.270.	No Changes	No Changes

### 3 AAC 48.330. Format of tariff sheets.

3 AAC 48.330(a): This subsection outlines the format that must be used for all tariff sheets filed with the Commission. At the R-15-002 technical conference, a number of participants supported revisions to the existing regulations specifically with regard to required tariff sheet “boxes” that delineate different sections of a tariff sheet. Technical conference participants stated that the required formatting was extremely difficult to perform electronically and similar formatting is not required by other federal agencies that require the submission of tariff sheets.

Staff believes that the existing tariff sheet requirements that mandate “boxes” to delineate different sections of a tariff sheet were originally developed when paper copies of tariff sheets were revised through typewritten edits. Moreover, Staff believes that the same tariff sheet formatting is difficult, if not almost impossible to achieve using today’s word processing software. While uniformity in the presentation of tariff sheets does provide a certain amount of value to the tariffs that are filed with the Commission, Staff believes that a modernized approach to the format of tariff sheets may better serve the Commission, by providing utility and pipeline carriers with greater flexibility in the development and maintenance of their tariffs.

Additionally, Staff believes that as long as certain elements of the tariff sheet formatting required under 3 AAC 48.330(a) are maintained, tariff sheets will continue to provide effective information to both the Commission and the general public. Therefore, Staff proposes that this subsection be amended by removing the statement that every tariff sheet “must be clearly printed or typed on forms that are in every respect, except size, exactly as the form” set out in 3 AAC 48.330(a), as well as the detailed form provided and be replaced with a list of the information that must be included on tariff sheet (i.e. revision numbers, effective date, certificate number, etc.).

At the R-15-006 technical conference participants proposed that it may no longer be necessary to require tariff sheet revision numbers (i.e. first revised tariff sheet canceling original tariff sheet) and that the requirement to include them on revised tariff sheets was burdensome. Technical conference participants also questioned how tariff sheet revision numbers were useful to Commission Staff. Staff believes that the tariff sheet revision numbers are useful in reviewing historical revisions to a company’s effective tariff and notes that both Federal Communication Commission (FCC) and Federal Energy Regulatory Commission (FERC) tariffs continue to require, in some form, similar revision numbers. Staff is concerned that a lack of revision numbers on submitted tariff sheets may lead to future difficulty in determining the sequential order in which a tariff sheet revision became effective. While Staff acknowledges that it may be possible to determine the sequential nature of tariff sheet revisions simply by reviewing the effective date, there are instances where a tariff sheet is given a future effective date that may impact the revision numbers used in a concurrent tariff filing. Therefore, Staff proposes to retain the requirement that tariff sheets submitted to the Commission include the proper revision numbers.

Technical conference participants also suggested that it may no longer be necessary to require the name and title of the representative authorized to issue a company’s tariff sheets. Staff concurs with the participant’s observation and notes that the Commission regularly allows tariff sheets to become effective when the signature of a company’s designee is not included on a tariff sheet. Based on the Commission’s existing practice, Staff proposes to remove the requirement that the name and title of a company’s authorized representative be included on a utility or pipeline carrier tariff sheets.

RAPA and Enstar proposed grammatical edits, as seen below under “Commenter Proposed Regulation”. Staff agrees with RAPA and Enstar’s grammatical edits, as seen below under “Staff Proposed Regulation”. Staff recommends the Commission adopt the regulation proposed by Staff, seen below as “Staff Proposed Regulation”.

**Continued ... 3 AAC 48.330. Format of tariff sheets.**

Continued ... 3 AAC 48.330(a)

<b>R-15-006, Post Technical Conference Staff Proposed Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
(a) 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(f), and include the following information:	(a) 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(f), <b>[AND]</b> include the following information:	(a) 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(f), <b>[AND]</b> include the following information:
(1) the number of the utility or pipeline carrier's certificate of public convenience and necessity;	<i>No Changes</i>	<i>No Changes</i>
(2) the tariff sheet number;	<i>No Changes</i>	<i>No Changes</i>
(3) the tariff sheet revision numbers;	(3) the tariff sheet revision number <b>[S]</b> ;	(3) the tariff sheet revision number <b>[S]</b> ;
(4) the name of the utility or pipeline carrier;		
(5) the tariff advice number; and	<i>No Changes</i>	<i>No Changes</i>
(6) the proposed effective date. [;]	<i>No Changes</i>	<i>No Changes</i>
[(7) THE NAME AND TITLE OF THE REPRESENTATIVE AUTHORIZED TO ISSUE THE TARIFF SHEET.]	<i>No Changes</i>	<i>No Changes</i>

**Continued ... 3 AAC 48.330. Format of tariff sheets.**

Continued ... 3 AAC 48.330(a)

R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
<div> <div> <div>RCA No. _____</div> <div>Sheet No. _____</div> </div> <div>Canceling</div> <div>Sheet No. _____</div> <div>Exact Legal Name of Utility (as listed on certificate)</div> <div></div> </div> <div> <div>Tariff Advice No. _____</div> <div>Effective: _____</div> <div>DATE</div> </div> <div> <div>Issued by: <u>UTILITY NAME</u></div> </div> <div> <div>By: _____</div> <div>Title: _____</div> <div>(Authorized Representative's Name) (Authorized Representative's Title)]</div> </div>	No Changes	No Changes



### 3 AAC 48.340. Tariff sheet designation.

In general, 3 AAC 48.340 describes the designation process for original tariff sheets, as well as the process that will be observed in amending, canceling or removing tariff sheets from an effective tariff.

3 AAC 48.340(a): This subsection states that each completely new tariff sheet must include, in the upper left corner, the letters “RCA” followed by the Certificate of Public Convenience and Necessity (CPCN) number of the filing utility or pipeline carrier. Traditionally, all tariff sheets, whether they are new or revised, have been required to include the RCA and CPCN designation in the upper left corner. In order to provide clarity within the regulation, as well as the Commission’s actual practice, Staff proposes that 3 AAC 48.340(a) be amended to remove the requirement that only “completely new” tariff sheets include the RCA and CPCN designation.

At the technical conference, Staff proposed to amend this subsection by removing the requirement that each tariff sheet must include the “letters RCA in the upper left-hand corner of each tariff sheet.” Technical conference participants suggested that the “RCA” designation on a company’s tariff sheets was still useful and was not overly burdensome. Staff believes that there is value to continuing to require a CPCN number on each tariff sheet, as it provides an easily accessible reference to research the kind of service or commodity that is covered by the tariff and therefore proposes that the existing language be retained.

AT&T proposed that 3 AAC 48.340(a) should be revised to specify that the regulation applies to each new tariff sheet, as seen below under “R-15-006, Commenter Proposed Regulation, Option 1”. Rural Coalition commented in response to AT&T’s comments that the regulation should include an effective date, as seen below under “R-15-006, Commenter Proposed Regulation, Option 2”. Staff believes that including an effective date in the regulation is unnecessary as the date the regulations go into effect will be an appropriate effective date. Staff recognizes the concerns posed by AT&T, and proposes that the regulation be revised to specify “each new tariff sheet”. Staff recommends the Commission adopt the regulation proposed by Staff, seen below as “Staff Proposed Regulation”.

R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation, Option 1	R-15-006, Commenter Proposed Regulation, Option 2	R-15-006, Staff Proposed Regulation
(a) Each 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 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.	(a) Each <b>new</b> 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 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.	(a) Each tariff sheet <b>filed after September 1, 2016</b> , 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 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.	(a) Each <b>new</b> 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 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.

Continued ... 3 AAC 48.340. Tariff sheet designation.

3 AAC 48.340(b): This subsection requires every tariff sheet, with the exception of the title page, to list a sheet number at the top of the tariff sheet. In this docket proceeding Staff is proposing that the standardized form for tariff sheets, as outlined in 3 AAC 48.330(a), be repealed and utility and pipeline carriers be allowed to develop tariff sheets in a manner that works best for them. Staff’s proposed revisions to 3 AAC 48.330(a) would still require all tariff sheets to include a tariff sheet number. Therefore, Staff proposes that this subsection be amended to remove the reference to the formatting directions outlined in 3 AAC 48.330(a). Staff believes that there is value to continuing to require a sheet number to appear at the top of each tariff sheet, as it provides organizational clarity to a tariff. Technical conference participants did not suggest any changes to the language proposed by Staff. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
(b) Each sheet of every tariff, except the title page, must bear a sheet number at the top of the sheet. The first publication of a tariff sheet must be designated as "Original Sheet ..... "	No Changes	No Changes

**Continued ... 3 AAC 48.340. Tariff sheet designation.**

3 AAC 48.340(c): Under the existing regulations, an amendment to any tariff sheet is made by reissuing the particular sheet upon which the change, addition or cancellation is made. 3 AAC 48.340(c) outlines the process that is observed in issuing a revised tariff sheet (i.e. tariff sheet revision numbers). At the technical conference, Staff proposed removing existing language that provided an example of the proper method to indicate a revision to an effective tariff sheet. In general, technical conference participants supported retaining the tariff sheet revision number examples as provided in the subsection.

As discussed above, technical conference participants advocated for the removal of tariff sheet revision numbers from the tariff sheet formatting requirements; however Staff is concerned that a lack of revision numbers on submitted tariff sheets may lead to future difficulty in determining the sequential order in which a tariff sheet revision became effective. Therefore, Staff proposes to retain references to the tariff sheet revision number formatting directions. Staff believes that there is value to continuing to require tariff sheet revision numbers, as they notify the reader that the tariff sheet has been revised.

Enstar commented that the regulations, as proposed, seem to imply that the revision numbers must be entirely spelled out; however, Commission practice has allowed the revision numbers to be entirely spelled out, or written in the Arabic form. Enstar proposed that the regulation should state that either format is acceptable as long as one format is used consistently throughout the entire tariff, seen below as “R-15-006, Commenter Proposed Regulation”. Staff has revised this language slightly to use the word “numerical” instead of “Arabic” to avoid confusion and proposes to reorganized the proposed language. Staff recommends the Commission adopt the regulation proposed by Staff, seen below as “Staff Proposed Regulation”.

**Continued ... 3 AAC 48.340. Tariff sheet designation.**

3 AAC 48.340(c)...

R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
<p>(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 and shall contain the same tariff provisions except whatever additions, changes, or cancellations are made. Each revised tariff sheet shall bear the same sheet number as the sheet it amends and shall bear a consecutive revision number as explained in this subsection. A revised tariff sheet which amends an original sheet shall be designated "FIRST REVISION OF SHEET ... ," "SECOND REVISION OF SHEET ... ," etc. Each revised sheet shall direct the cancellation of the original or revised sheet which it amends and this cancellation may be shown in the manner indicated in the following example:</p> <p style="text-align: center;">FIRST REVISION OF SHEET .... CANCELLING ORIGINAL SHEET ....</p> <p>When the first revision of a sheet is to be amended, it shall be cancelled by a second revised sheet in the following manner:</p> <p style="text-align: center;">SECOND REVISION OF SHEET .... CANCELLING FIRST REVISION OF SHEET ....</p>	<p>(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 and shall contain the same tariff provisions except whatever additions, changes, or cancellations are made. Each revised tariff sheet shall bear the same sheet number, <u>either spelled out or in Arabic format</u>, as the sheet it amends and shall bear a consecutive revision number as explained in this subsection. <u>The same number formatting should be used consistently throughout the tariff.</u> A revised tariff sheet which amends an original sheet shall be designated "FIRST REVISION OF SHEET ... ," "SECOND REVISION OF SHEET ... ," etc. Each revised sheet shall direct the cancellation of the original or revised sheet which it amends and this cancellation may be shown in the manner indicated in the following example:</p> <p style="text-align: center;">FIRST REVISION OF SHEET .... CANCELLING ORIGINAL SHEET ....</p> <p>When the first revision of a sheet is to be amended, it shall be cancelled by a second revised sheet in the following manner:</p> <p style="text-align: center;">SECOND REVISION OF SHEET .... CANCELLING CANCELLING FIRST REVISION OF SHEET ....</p>	<p>(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 and shall contain the same tariff provisions except whatever additions, changes, or cancellations are made. Each revised tariff sheet shall bear the same sheet number, <u>either spelled out or in numerical format</u>, as the sheet it amends and shall bear a consecutive revision number as explained in this subsection. A revised tariff sheet which amends an original sheet shall be designated "FIRST REVISION OF SHEET ... ," "SECOND REVISION OF SHEET ... ," etc. Each revised sheet shall direct the cancellation of the original or revised sheet which it amends and this cancellation may be shown in the manner indicated in the following example:</p> <p style="text-align: center;">FIRST REVISION OF SHEET .... CANCELLING ORIGINAL SHEET ....</p> <p>When the first revision of a sheet is to be amended, it shall be cancelled by a second revised sheet in the following manner:</p> <p style="text-align: center;">SECOND REVISION OF SHEET .... CANCELLING FIRST REVISION OF SHEET ....</p> <p><u>The same number formatting should be used consistently throughout the tariff.</u></p>

**Continued ... 3 AAC 48.340. Tariff sheet designation.**

3 AAC 48.340(d): This subsection outlines the process that is observed for placing additional tariff sheets into an existing tariff. Traditionally, the Commission has required a tariff sheet that is added between two existing tariff sheets to include a decimal suffix. For example, if a tariff sheet were added between Tariff Sheet Nos. 4 and 5, it would be designated at Tariff Sheet No. 4.1. This process has not been strictly adhered to by a number of economically regulated companies, which have used a dash suffix to designate a tariff sheet that is added between two existing tariff sheets (i.e. Tariff Sheet No. 4-1).

At the technical conference, Staff proposed to amend this subsection by adding language that would allow the use of either decimal or dash suffixes when adding a tariff sheet between existing tariff sheets. Utility and pipeline carriers would continue to be prohibited from adding a tariff sheet between two tariff sheet numbers that already containing two decimal places or two dashes. Technical conference participants suggested removing the phrase “decimal places” from the proposed regulation and replace the language with “period” in order to improve the clarity of the regulation . Staff concurs with technical conference participants that revising existing language to clarify that a “period” should be used to note when additional tariff sheets placed into an existing tariff and proposes to remove all references to “decimal places.”

Similar its comments on 3 AAC 48.340(c), Enstar commented that either dashes or periods should be used consistently throughout a utilities entire tariff. Staff agrees with Enstar’s comments. Staff recommends the Commission adopt the regulation proposed by Staff, seen below as “Staff Proposed Regulation”.

<b>R-15-006, Post Technical Conference Staff Proposed Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
(d) If, after a tariff has been issued, it becomes necessary to add an additional sheet to provide for expanded or additional tariff matter, the added sheet shall be designated as an original sheet (not a revised sheet) and shall be given the same sheet number, when added between existing sheets of the tariff, as the sheet which it follows, but a period or dash suffix (in the numerical sequence) 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 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 shall be designated as "Original Sheet 4.2" or "Original Sheet 4-2" etc. In no case, however, shall a sheet be added between two sheets both of which bear sheet numbers with suffixes containing two periods or two dashes. If it should become necessary to amend original sheet 4.1 or 4-1, 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	(d) If, after a tariff has been issued, it becomes necessary to add an additional sheet to provide for expanded or additional tariff matter, the added sheet shall be designated as an original sheet (not a revised sheet) and shall be given the same sheet number, when added between existing sheets of the tariff, as the sheet which it follows, but a period or dash suffix (in the numerical sequence) 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 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 shall be designated as "Original Sheet 4.2" or "Original Sheet 4-2" etc. <b><u>Either dashes or periods should be used consistently throughout the tariff.</u></b> In no case, however, shall a sheet be added between two sheets both of which bear sheet numbers with suffixes containing two periods or two dashes. If it should become necessary to amend original sheet 4.1 or 4-1, 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	(d) If, after a tariff has been issued, it becomes necessary to add an additional sheet to provide for expanded or additional tariff matter, the added sheet shall be designated as an original sheet (not a revised sheet) and shall be given the same sheet number, when added between existing sheets of the tariff, as the sheet which it follows, but a period or dash suffix (in the numerical sequence) 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 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 shall be designated as "Original Sheet 4.2" or "Original Sheet 4-2" etc. <b><u>Either dashes or periods should be used consistently throughout the tariff.</u></b> In no case, however, shall a sheet be added between two sheets both of which bear sheet numbers with suffixes containing two periods or two dashes. If it should become necessary to amend original sheet 4.1 or 4-1, 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.

**Continued ... 3 AAC 48.340. Tariff sheet designation.**

3 AAC 48.340(f): This subsection requires a tariff sheet with information that is relocated to or from a different tariff sheet to include a specific language and references to the relocated information. At the technical conference, Staff proposed that 3 AAC 48.340(f) be amended by removing the specific language required to be included on a tariff sheet that relocates tariff language to or from another tariff sheet in order to provide utility and pipeline carriers with greater flexibility in the development and maintenance of their tariffs. Utility and pipeline carriers would continue to be required to use a “L” margin notation to denote material has been relocated to/from another sheet or place in the tariff with no change in text, rate, rule or condition (see 3 AAC 48.360(i)); however, standardized language would no longer be necessary. Technical conference participants did not suggest any changes to the language proposed by Staff. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
(f) When a revised tariff sheet is issued which omits rates, charges, or other provisions formerly published on the sheet which it cancels, and the omitted matter is transferred to a different sheet, the revised sheet shall make specific reference to the tariff sheet on which the omitted matter will thereafter be found and the sheet to which the omitted matter is transferred shall refer to the tariff sheet on which the matter was formerly published. 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 shall omit the references required above.	No Changes	No Changes

**Continued ... 3 AAC 48.340. Tariff sheet designation.**

3 AAC 48.340(g): This subsection requires a tariff sheet that cancels specific information on the sheet to show the cancellation and identify the provisions being cancelled. Moreover, the regulation outlines exact language that must be used on a tariff sheet for a cancellation. For example, if a rule is cancelled, the number and caption of the rule is required to be brought forward to a new tariff sheet, but the body of the rule is omitted and in its place it is stated that the rule is cancelled.

Traditionally, the Commission has approved the cancellation of information on a tariff sheet, if the sheet includes a “D” margin notation to denote a discontinued rate, regulation or condition (see 3 AAC 48.360(i)). Staff believes that the additional language required by this subsection is unnecessary in light of the required margin notation and does not provide any additional benefit that is not already incurred from the use of the “D” margin notation. Further, Staff believes that a streamlined approach to tariff sheet designations should be adopted in order to provide utility and pipeline carriers with greater flexibility in the development and maintenance of their tariffs. Therefore, Staff proposes that 3 AAC 48.340(g) be amended by removing the specific language required to be included on a tariff sheet that cancels specific tariff language from a tariff sheet and include a reference to 3 AAC 48.360(i) (i.e. margin notations). Utility and pipeline carriers will continue to be required to use a “D” margin notation to clearly identify information that has been cancelled; however, standardized language would no longer be necessary. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

Existing Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
(g) If anything on a tariff sheet is to be cancelled entirely, and is not to be transferred to another sheet of the same tariff, the revised sheet which effects the amendment shall specifically show the cancellation of the provisions, as prescribed by 3 AAC 48.360(i). Subsequent revisions of the revised tariff sheet that effected the cancellation shall omit the required margin notations.	<i>No Changes</i>	<i>No Changes</i>

**3 AAC 48.350. Separate tariff for each utility.**

Staff proposes to repeal this section in its entirety. In this proceeding, Staff is proposing to relocate the existing language in this section to 3 AAC 48.320(a), which attempts to improve the organization and readability of the tariff form and filing regulations. All of the proposed language in 3 AAC 48.320(a) mirrors the existing language found in 3 AAC 48.350. As discussed above, Staff proposes to combine existing language from 3 AAC 48.350 with the current regulations in 3 AAC 48.320 in an attempt to streamline what Staff considers to be “general” effective tariffing rules.

**3 AAC 48.360. General arrangement and content of tariff.**

In general, 3 AAC 48.360 discusses the arrangement and information that must be included in an effective tariff.

3 AAC 48.360(a): This subsection requires the first page of each effective tariff to be the title page, which includes the tariff number, revised tariff sheet numbers, the exact legal name of the utility or pipeline carrier, the area to which the tariff applies, the effective date of the tariff sheet, the complete address of the utility or pipeline carrier and the name, title and signature of the person authorized to issue the tariff. Staff believes that the information included on a tariff sheet is more important that whether that information appears on the first, second or other subsequent tariff sheets; therefore, Staff proposes that 3 AAC 48.360(a) be amended to simply include a list of all of the information that must be included in an effective tariff.

Specifically, Staff believes that it is important for each effective tariff to continue to include specific information that aids the reader in understanding what service if offered by the utility or pipeline carrier, where the service is offered, the rules under which the service will be offered and what rates and charges may apply to the service. Staff also believes it is important for the reader to have access to the utility or pipeline carrier’s contact information. Moreover, Staff believes that the majority of the information required by the existing regulation is already outlined in 3 AAC 48.330(a) (i.e. effective date, tariff sheet revision numbers, name and title of the tariff sheet signatory, etc.) and is no longer necessary. Technical conference participants generally concurred with Staff’s proposed revisions to 3 AAC 48.360(a) with the exception of the requirement that a written description of a utility or pipeline carrier’s service area be included as part of its tariff. Technical conference participants suggested that including this information in a company’s effective tariff would not be useful to the average consumer or member of the public, since the information is based upon township and range descriptions and is already available as part of a company’s Certificate of Public Convenience and Necessity. Upon further review, Staff concurs with technical conference participants and proposes to remove the requirement that a utility or pipeline carrier’s tariff include a written description of its certificated service area. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
(a) The effective tariff of a utility or pipeline carrier must contain the following:	<i>No Changes</i>	<i>No Changes</i>



**Continued ... 3 AAC 48.360. General arrangement and content of tariff.**

Continued ... 3 AAC 48.360(a)

AT&T proposed adding “applicable” to 3 AAC 48.360(a)(2). Staff believes that AT&T’s proposed language is reasonable. Staff notes that there are some utilities which provide more than one service and therefore have more than one tariff (i.e. Chugach which provides electric and IXC service). Staff believes in these cases a reference to a utility or pipeline carrier’s applicable tariff adds specificity. Additionally, Staff believes that adding “applicable to the regulation is generic enough to apply to utilities offering one service and therefore have only one tariff. Therefore, Staff proposes incorporating AT&T’s proposed language into the regulation. Staff recommends the Commission adopt the regulation proposed by Staff, seen below as “Staff Proposed Regulation”.

<b>R-15-006, Post Technical Conference Staff Proposed Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
[WHENEVER A SERVICE AREA IS INCREASED OR DECREASED, OR WHEN ANY OTHER INFORMATION REFERRED TO IN THIS SECTION IS CHANGED, THE TITLE PAGE OF THE TARIFF APPLICABLE TO THAT AREA MUST BE REVISED TO REFLECT THE CHANGE.]	<i>No Change</i>	<i>No Change</i>
(1) a title page that includes the name of the utility or pipeline carrier issuing the tariff as listed on its certificate of public convenience and necessity, the certificated service or commodity offered, the certificated area or areas to which the tariff applies and the physical address of the issuing utility or pipeline carrier;	<i>No Change</i>	<i>No Change</i>
(2) an index with a complete and accurate list of the contents of the tariff;	<i>No Change</i>	<i>No Change</i>
(3) a map, or set of maps depicting the utility or pipeline carrier’s certificated service area;	<i>No Change</i>	<i>No Change</i>
(4) a complete set of terms and conditions governing the services offered by each utility or pipeline carrier under its tariff; and	(4) a complete set of regulations governing the services offered by each utility or pipeline carrier under its <b>applicable</b> tariff; and	(4) a complete set of regulations governing the services offered by each utility or pipeline carrier under its <b>applicable</b> tariff; and
(5) a schedule of all rates and charges for each class of service offered, or for each customer or shipper group.	<i>No Change</i>	<i>No Change</i>

**Continued ... 3 AAC 48.360. General arrangement and content of tariff.**

3 AAC 48.360(b): The requirements of this subsection state that the second page of each effective tariff is the index. In this proceeding, Staff is proposing to amend 3 AAC 48.360(a) to include a list of all of the information that must be included in a tariff and that specific tariff sheet designations where this information is located in a tariff be repealed. Staff believes that an index provides a certain level of clarity within a tariff and allows a reader to easily locate information within a tariff; therefore, Staff proposes to move the requirement that each effective tariff include an index to 3 AAC 48.360(a)(2).

At the technical conference, participants suggested that 3 AAC 48.360(b) could be improved by revising existing language to clarify that a tariff index should be filed concurrently with the submission of any revised tariff sheets that would render the index outdated or inaccurate. Staff concurs with the suggested language revisions proposed by technical conference participants and proposes to revise the existing language in this section to state that when new or revised tariff sheets are added to an existing tariff that the index should also be updated. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

<b>R-15-006, Post Technical Conference Staff Proposed Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
(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.	<i>No Change</i>	<i>No Change</i>

3 AAC 48.360(i): This subsection address the use and formatting of margin notations on tariff sheets. This subsection was not originally proposed for revision in Docket No. R-15-006; however, it was discovered during the comment period that requirements set out in this subsection will be effected by the revisions proposed in Docket No. R-15-006. Staff believes the proposed revision are within the scope of this docket.

In its comments, ML&P noted that with the revisions to tariff sheet formatting in 3 AAC 48.330(a) relaxing the tariff sheet formatting requirements, the reference to “but within the lined margin of the tariff sheets” no longer applies in 3 AAC 48.360(i), as seen below under “Commenter Proposed Regulation”. Staff has review the regulation in question and agrees with ML&P’s comment. Staff believes the language noted by ML&P should be removed to maintain consistency between the regulations. Staff proposes to remove the phrase “but within the lined margin of the tariff sheets” from 3 AAC 48.360(i). Staff recommends the Commission adopt the regulation proposed by Staff, seen below as “Staff Proposed Regulation”.

<b>Currently Effective Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
(i)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, but within the lined margin of the tariff sheets:	(i)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: <b>], BUT WITHIN THE LINED MARGIN OF THE TARIFF SHEETS]</b>	(i)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: <b>], BUT WITHIN THE LINED MARGIN OF THE TARIFF SHEETS]</b>

**Continued ... 3 AAC 48.360. General arrangement and content of tariff.**

3 AAC 48.360(c): This subsection requires a map or set of maps in an effective tariff to be no larger than 8 ½ inches by 11 inches. In this proceeding, Staff is proposing that 3 AAC 48.360(a) be amended to include a list of all of the information that must be included in a tariff and that specific tariff sheet designations where this information is located in a tariff be repealed. While maps are an important aspect of any tariff and allow the reader to determine the exact location(s) where the utility or pipeline carrier is authorized to serve, Staff does not believe that the size requirements outlined in this subsection are useful or necessary (i.e. 3 AAC 48.330(a) already states that a tariff sheet must be formatted to print 8 ½ inches by 11 inches in size). Therefore, Staff proposes to repeal the size requirements of an effective tariff map and include the requirement that maps be filed as part of a tariff in 3 AAC 48.360(a)(3). Technical conference participants did not suggest any changes to the language proposed by Staff. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

<b>R-15-006, Post Technical Conference Staff Proposed Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
(c) The maps furnished by a pipeline carrier must show the pipeline facility or extension, route and the location of each intake and offtake point currently used, and each intake or offtake point which has been constructed but is not currently used. The maps furnished by a utility must clearly delineate the boundaries of ...	<i>No Change</i>	<i>No Change</i>

3 AAC 48.360(d): The requirements of this subsection state that a complete set of regulations governing the services offered by a utility or pipeline carrier must be set out on consecutively numbered tariff sheets immediately following a utility or pipeline carrier’s maps. In this proceeding, Staff is proposing that 3 AAC 48.360(a) be amended to include a list of all of the information that must be included in a tariff and that specific tariff sheet designations where this information is located in an effective tariff be repealed. While regulations governing the services that are offered by a utility or pipeline carrier are a critical aspect of any tariff, Staff does not believe that tariff sheets including this information must immediately follow a tariff sheets including maps. Therefore, Staff proposes to repeal 3 AAC 48.360(d) in its entirety and include the requirement that all regulations addressing the services offered by a utility or pipeline carrier be included as part of a tariff in 3 AAC 48.360(a)(4). Technical conference participants did not suggest any changes to the revisions proposed by Staff. Staff recommends the Commission repeal 3 AAC 48.360(d), as seen blow as “Post Technical Conference Staff Proposed Regulation”.

<b>R-15-006, Post Technical Conference Staff Proposed Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
[(d) A COMPLETE SET OF THE REGULATIONS GOVERNING THE SERVICES OFFERED BY EACH UTILITY OR PIPELINE CARRIER UNDER ITS TARIFF MUST BE SET OUT ON CONSECUTIVELY NUMBERED PAGES IMMEDIATELY FOLLOWING THE MAPS].	<i>No Changes</i>	<i>No Changes</i>

**Continued ... 3 AAC 48.360. General arrangement and content of tariff.**

3 AAC 48.360(e): This subsection requires the tariff sheets that include the rates and charges for each class of service to immediately follow the tariff sheets that address the regulations governing the services offered by a utility or pipeline carrier. In this proceeding, Staff is proposing that 3 AAC 48.360(a) be amended to include a list of all of the information that must be included in an effective tariff and that specific tariff sheet designations where this information is located in a tariff be repealed. While tariff sheets that list the rates and charges associated with each class of service offered or for each customer or shipper group are a critical aspect of any tariff, Staff does not believe that tariff sheets including this information must immediately follow tariff sheets including the rules governing these services. Therefore, Staff proposes to repeal 3 AAC 48.360(e) in its entirety and include the requirement that all utility or pipeline carrier tariffs include a schedule of all rates and charges for each class of service offered, or for each customer or shipper group in 3 AAC 48.360(a)(5). Technical conference participants did not suggest any changes to the revisions proposed by Staff. Staff recommends the Commission repeal the regulation as proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
[(e) THE TARIFF SHEETS SETTING OUT THE SCHEDULES OF RATES AND CHARGES FOR EACH CLASS OF SERVICE OFFERED, OR FOR EACH CUSTOMER OR SHIPPER GROUP, MUST BE SET OUT ON CONSECUTIVELY NUMBERED PAGES IMMEDIATELY FOLLOWING THE REGULATIONS.]	No Changes	No Changes

**3 AAC 48.390. Provisions of special contract.**

Staff proposes to repeal this section in its entirety. In this proceeding, Staff is proposing to relocate the existing language in this section to 3 AAC 48.260 (Special Contracts), which attempts to consolidate the general tariff form and filing regulations regarding special contracts into a stand-alone section. For example, existing language in 3 AAC 48.220(c) provides introductory language for regarding special contracts (i.e. special contracts are treated as tariff filings). Existing language in 3 AAC 48.390 discusses in detail what information must be included in a special contract and the process the Commission will observe in approving a special contract. Staff proposes to combine the two regulations into 3 AAC 48.260 in order to improve the clarity and readability of the regulations. Staff recommends the Commission repeal 3 AAC 48.390.

3 AAC 48.400. Adoption notice.

In general, 3 AAC 48.400 discusses the process that a utility or pipeline carrier must observe in adopting the effective tariff of an existing company.

3 AAC 48.400(a): This subsection provides specific language that must be used in an adoption notice filed by a company seeking to assume the effective tariff of an existing utility or pipeline carrier. The regulation also requires an adoption notice to be filed when a utility or pipeline carrier, or portion of one, transfers operating control from one company to another, or when the legal form of the organization or name of the utility or pipeline carrier is changed. Traditionally, the Commission has only required an adoption notice to be filed when the name of the utility or pipeline carrier, as shown on the certificate of public convenience and necessity being revised due to a transfer, acquisition or name change, since any other organizational revisions (i.e. parent or grandparent changes) are not reflected on a company’s certificate. In order to ensure that the regulations reflect the Commission’s actual practice, Staff proposes to amend 3 AAC 48.400(a) to clarify that an adoption notice is only required when the name on the certificate of public convenience and necessity associated with a company’s effective tariff is being revised. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
(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 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:  (Name of utility or pipeline carrier) hereby adopts, as if they had been originally filed by it, all tariffs, rules, notices, concurrences, provisions, authorities, power of attorney, or any other instruments of (name of predecessor utility or pipeline carrier) before (here insert the date of change). By this notice, it also adopts and ratifies all supplements and amendments to any of the above tariffs of the (name of predecessor utility or pipeline carrier).	No Changes	No Changes

**Continued ... 3 AAC 48.400. Adoption notice.**

3 AAC 48.400(c): This subsection describes how the tariff sheets included in an adopted tariff may be revised, until a new tariff is submitted in a utility or pipeline carrier’s new name. In this proceeding, Staff is proposing revisions to 3 AAC 48.330(a)(4), which requires each tariff sheet included in a company’s effective tariff to include the name of the utility or pipeline carrier. In order to conform with 3 AAC 48.330(a)(4), Staff proposes to amend 3 AAC 48.400(c) by removing the requirement that the name of the company that adopted the effective tariff be shown on the bottom of each tariff sheet and instead only require the name of the utility or pipeline carrier whose tariff was adopted to be included on any revised tariff sheets. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
(c) Until such time as an adopted tariff is refiled in the name of the utility or pipeline carrier which adopted it, all subsequent revisions to the tariff will bear the name of the utility or pipeline carrier whose tariff was adopted. A tariff adopted by one utility or 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.	No Changes	No Changes

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

In general, 3 AAC 48.410 describes when a new utility or pipeline carrier adopting the tariff of an existing company must submit a new tariff in its own name. Staff proposes to (1) expand the section heading to include “newly formed” utilities or pipeline carriers, (2) create two subsections and (3) relocate existing language from 3 AAC 48.220(d) which requires a newly formed utility to file a complete tariff as part of its application for a certificate of public convenience and necessity. Staff is not proposing any amendments to existing language from either 3 AAC 48.220(d) or 3 AAC 48.410. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

Existing Regulation Citation	R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
3 AAC 48.220(d)	(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. These 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.	<i>No Changes</i>	<i>No Changes</i>
3 AAC 48.410	(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, and regulations, etc., of that utility or pipeline carrier shall, within 90 days after the filing of that adoption notice, file those rates, rules, and regulations, etc., as a part of its own tariff or as a separate tariff in its own name if it plans to continue to operate in accordance with them.	<i>No Changes</i>	<i>No Changes</i>

### **General Tariff Form and Filing Requirement Regulatory Citations**

As discussed above, Staff is proposing to consolidate and relocate a number of general tariff form and filing regulations, which will impact other regulations outside of 3 AAC 48.200 – 3 AAC 48.430 that include citations to the tariff form and filing regulations. Therefore, Staff proposes to amend the following regulations listed below to accurately reflect the consolidation and reorganization of 3 AAC 48.220 – 3 AAC 48.430. Proposed amendments to existing regulations that include citations to the tariff form and filing regulations reflect all currently adopted regulations included in the October 2015 supplement, Registers 202-215.

#### **3 AAC 48.468. Rejection, suspension, notice, and effective date.**

In general, this section describes the process the Commission will observe in rejecting or suspending simplified pipeline tariff filings.

3 AAC 48.468(a): This subsection states that the Commission may reject a simplified pipeline tariff that does not meet the requirements of 3 AAC 48.450 – 3 AAC 48.490. The existing language references 3 AAC 48.310, which explains how the Commission will reject a tariff filing; however, Staff is proposing to repeal 3 AAC 48.310 in its entirety and relocate the existing language to 3 AAC 48.240. All of the proposed language in 3 AAC 48.240 mirrors the existing language found in 3 AAC 48.310. Therefore, Staff proposes to amend 3 AAC 48.468(a) by removing the reference to 3 AAC 48.310 and replacing it with a reference to 3 AAC 48.240. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

<b>R-15-006, Post Technical Conference Staff Proposed Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
(a) In accordance with 3 AAC 48.240, the commission may reject a simplified pipeline tariff that does not meet the requirements of 3 AAC 48.450 - 3 AAC 48.490.	<i>No Changes</i>	<i>No Changes</i>

3 AAC 48.468(b): This subsection explains how a simplified pipeline tariff filing will be noticed to the public and includes a reference to 3 AAC 48.280. In this proceeding, Staff is proposing to repeal 3 AAC 48.280 in its entirety and relocate the majority of the existing language to 3 AAC 48.220 and 3 AAC 48.230. The only existing language that Staff is not proposing to relocate to another section within 3 AAC 48.200 – 3 AAC 48.430 is 3 AAC 48.280(d). Therefore, Staff proposes to remove the reference to 3 AAC 48.280 and replace it with references to 3 AAC 48.220 and 3 AAC 48.230. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

<b>R-15-006, Post Technical Conference Staff Proposed Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
(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 – 3 AAC 48.230. 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.	<i>No Changes</i>	<i>No Changes</i>



**3 AAC 48.645(a). Applications: notice, deadline for filing competing applications; public hearing.**

This subsection describes how an application for (1) a certificate of public convenience and necessity, (2) an amendment to a certificate of public convenience and necessity, (3) discontinuance, abandonment or suspension of service, (4) transfer of a certificate of public convenience and necessity or (5) the authority to acquire or dispose of a controlling interest in a certificated public utility or pipeline carrier will be noticed to the public. The existing language in the subsection includes references to 3 AAC 48.280 and 3 AAC 48.290. In this proceeding, Staff is proposing to repeal 3 AAC 48.280 in its entirety and relocate the majority of the existing language to 3 AAC 48.220 and 3 AAC 48.230. The only existing language that Staff is not proposing to relocate to another section within 3 AAC 48.200 – 3 AAC 48.430 is 3 AAC 48.280(d).

Further, Staff is not proposing any language amendments to 3 AAC 48.290; however, Staff notes that revisions to this section are being considered in R-15-002 (Electronic Filing). Staff also proposes to add the qualifying word “Public” to the title of the section in order to add clarity to the regulations. Therefore, Staff suggests removing the reference to 3 AAC 48.280 and replacing it with references to 3 AAC 48.220 and 3 AAC 48.230. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
(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, 3 AAC 48.230 and 3 AAC 48.290 ...	<i>No Changes</i>	<i>No Changes</i>

**3 AAC 48.710(a). Filing requirements.**

This subsection states that simplified pipeline rate adjustment filings are governed by the general tariff form and filing requirements, 3 AAC 48.240 (Delivery of Tariff) and 3 AAC 48.270 (Tariff Letters). In this proceeding, Staff proposes to repeal 3 AAC 48.240 in it’s entirely and consolidate the majority of the language included in the existing regulations under 3 AAC 48.220. Staff is not proposing to relocate existing language regarding tariff advice letters, as found in 3 AAC 48.270. Therefore, Staff proposes to remove the reference to 3 AAC 48.240 and replace it with a reference to 3 AAC 48.220. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

<b>R-15-006, Post Technical Conference Staff Proposed Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
(a) A rate adjustment filing under 3 AAC 48.700 - 3 AAC 48.790 is governed by 3 AAC 48.220 and 3 AAC 48.270.	<i>No Changes</i>	<i>No Changes</i>

**3 AAC 48.730(a). Notice and effective date.**

This subsection explains how a simplified electric cooperative rate adjustment tariff filing will be noticed to the public and includes a reference to 3 AAC 48.280. In this proceeding, Staff is proposing to repeal 3 AAC 48.280 in its entirety and relocate the majority of the existing language to 3 AAC 48.220 and 3 AAC 48.230. The only existing language that Staff is not proposing to relocate to another section within 3 AAC 48.200 – 3 AAC 48.430 is 3 AAC 48.280(d). Therefore, Staff proposes to amend 3 AAC 48.730(a) by removing the reference to 3 AAC 48.280 and replacing it with references to 3 AAC 48.220 and 3 AAC 48.230. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

<b>R-15-006, Post Technical Conference Staff Proposed Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
A cooperative's rate adjustment filing under 3 AAC 48.700 - 3 AAC 48.790 is governed by 3 AAC 48.220 – 3 AAC 48.230 and 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 will, in its discretion, allow the filing to take effect on an interim basis, subject to refund.	<i>No Changes</i>	<i>No Changes</i>

**3 AAC 50.770(h). Purchases.**

This subsection details the process and electric utility or qualifying facility must observe when entering into a special contract and includes a reference to the tariff form and filing requirements that address special contracts under 3 AAC 48.390. In this proceeding, Staff is proposes to repeal 3 AAC 48.390 in its entirety and relocate the existing language to 3 AAC 48.260. Therefore, Staff proposes to remove the reference to 3 AAC 48.390 and replace it with a reference to 3 AAC 48.260. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

<b>R-15-006, Post Technical Conference Staff Proposed Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
(h) An electric utility or qualifying facility may agree by special contract, subject to 3 AAC 48.260, to different rates, terms, or conditions for purchases than otherwise required by this section. A contract between an electric utility and a qualifying facility is valid if the commission determines the rates, terms, or conditions for purchases are just and reasonable to the customers of the electric utility and in the public interest. The contract may not be nullified under 3 AAC 50.770(b)(1) without prior commission approval.	<i>No Changes</i>	<i>No Changes</i>

**3 AAC 52.375(b). Wholesale service and rates.**

This subsection addresses competitive intrastate interexchange carriers and the means by which a carrier may submit a tariff filing to reduce wholesale rates, increase wholesale rates, offer new or repackaged services or implement special contracts. In this proceeding, Staff is proposes to repeal 3 AAC 48.390, which details special contract requirements in its entirety and relocate the existing language to 3 AAC 48.260. In addition, Staff proposes to repeal 3 AAC 48.280 in its entirety and relocate the majority of the existing language to 3 AAC 48.220 and 3 AAC 48.230. The only existing language that Staff is not proposing to relocate to another section within 3 AAC 48.200 – 3 AAC 48.430 is 3 AAC 48.280(d). Therefore, Staff proposes to include a reference to 3 AAC 48.230 and 3 AAC 48.260 in order to ensure that any specific tariff form and filing requirements are properly referenced in the existing regulation. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
(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 is subject to the provisions of 3 AAC 48.220, 3 AAC 48.230, 3 AAC 48.240, 3 AAC 48.260, 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.	No Changes	No Changes

### 3 AAC 52.390(a)(1). Miscellaneous provisions.

This subsection states that the provisions of 3 AAC 48.230 (Billing and Contract Forms) do not apply to an interexchange carrier. As explained above, Staff is proposing to repeal 3 AAC 48.230 in its entirety, because Staff believes that the requirement that billing and contract forms continue to be submitted and approved through the tariff filing process is unnecessary and doesn't provide "real time" information. Based on Staff's proposal to repeal 3 AAC 48.230, there is no longer any need to include specific exemption language for interexchange carriers in 3 AAC 48.390(a)(1). Staff recommends the Commission repeal the regulation as proposed by Staff following the technical conference, seen below as "Post Technical Conference Staff Proposed Regulation".

<b>R-15-006, Post Technical Conference Staff Proposed Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
(a) The provisions of	<i>No Changes</i>	<i>No Changes</i>
[(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] ...	<i>No Changes</i>	<i>No Changes</i>

### 3 AAC 52.455. Line extensions and service connections.

In general, this section addresses utility line extensions and service connections.

3 AAC 52.455(a): This subsection outlines the information that must be included in a utility's effective tariff for line extensions/service connections and includes a reference to the tariff form and filing requirements that address special contracts under 3 AAC 48.390. In this proceeding, Staff is proposing to repeal 3 AAC 48.390 in its entirety and relocate the existing language to 3 AAC 48.260. Therefore, Staff proposes to remove the reference to 3 AAC 48.390 and replace it with a reference to 3 AAC 48.260. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as "Post Technical Conference Staff Proposed Regulation".

<b>R-15-006, Post Technical Conference Staff Proposed Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
(a) A utility's tariff for line extensions and service connections, or, if appropriate, special contracts under 3 AAC 48.260, must include the following: ...	<i>No Changes</i>	<i>No Changes</i>

**Continued ... 3 AAC 52.455. Line extensions and service connections.**

3 AAC 52.455(i): This subsection allows a utility, under certain circumstances, to request a waiver of the company's tariffed line extension/service connection provisions and enter into a special contract with a customer. The existing language includes a reference to the tariff form and filing requirements that address special contracts under 3 AAC 48.390. In this proceeding, Staff is proposes to repeal 3 AAC 48.390 in its entirety and relocate the existing language to 3 AAC 48.260. Therefore, Staff proposes to amend 3 AAC 52.455(i) by removing the reference to 3 AAC 48.390 and replacing it with a reference to 3 AAC 48.260. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as "Post Technical Conference Staff Proposed Regulation".

<b>R-15-006, Post Technical Conference Staff Proposed Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
(i) In those unusual circumstances where a utility believes that application of its line extension or service connection tariff will result in an inequitable apportionment of costs to one or more customers, the utility may request a waiver of its standard tariff provision and, upon proper application and advance approval of the commission, enter into a special contract with that customer under 3 AAC 48.260.	<i>No Changes</i>	<i>No Changes</i>

**3 AAC 52.710 (b)(15). Certificate of public convenience and necessity.**

This subsection states that a water or wastewater utility that seeks to obtain a certificate of public convenience and necessity must submit an application to the Commission that includes a tariff of rates and services and meets specific tariff form and filing requirements, including special contracts under 3 AAC 48.390. In this proceeding, Staff is proposes to repeal 3 AAC 48.390 in its entirety and relocate the existing language to 3 AAC 48.260. Therefore, Staff proposes to include a reference to 3 AAC 48.260. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as "Post Technical Conference Staff Proposed Regulation".

<b>R-15-006, Post Technical Conference Staff Proposed Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
(b) Except as provided in (c) of this section, an applicant for a certificate of public convenience and necessity must provide the following information on a "form prescribed by the commission: ...	<i>No Changes</i>	<i>No Changes</i>
(15) a tariff of rates and services that complies with 3 AAC 48.260 and 3 AAC 48.320 - 3 AAC 48.390 if the utility will be subject to economic regulations within the meaning of 3 AAC 48.820, or that complies with 3 AAC 52.730 - 3 AAC 52.740 if the utility will not be subject to economic regulations within the meaning of 3 AAC 48.820; ...	<i>No Changes</i>	<i>No Changes</i>

**3 AAC 52.734(a). Tariffs on file for public inspection.**

This subsection requires a provisionally certificated water or wastewater utility to keep a copy of its effective tariff available for public inspection. Existing language under the regulation includes a reference to 3 AAC 48.260. In this proceeding, Staff proposes to repeal 3 AAC 48.260 in its entirety, because Staff believes that there is no longer any need to require economically regulated companies to post a sign stating that a copy of a utility or pipeline carrier's effective tariff is available for public inspection and that the requirements under the existing language of 3 AAC 48.260 simply reiterate what is already required under 3 AAC 48.250. Therefore, Staff proposes to amend remove the reference to 3 AAC 48.260. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as "Post Technical Conference Staff Proposed Regulation".

<b>R-15-006, Post Technical Conference Staff Proposed Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
(a) A provisionally certificated utility shall keep its tariff available for public inspection in accordance with 3 AAC 48.250(a) and (b).	<i>No Changes</i>	<i>No Changes</i>

### **3 AAC 52.810(a). Notice.**

This subsection addresses the public notice requirements for an eligible water or wastewater utility that wishes to establish a surcharge to recover capital costs associated with plant placed in service between general rate cases. The existing language in this subsection references 3 AAC 48.240 and 3 AAC 48.280; however, Staff is proposing to repeal 3 AAC 48.280 in its entirety and relocate the majority of the existing language to 3 AAC 48.220 and 3 AAC 48.230. The only existing language that Staff is not proposing to relocate to another section within 3 AAC 48.200 – 3 AAC 48.430 is 3 AAC 48.280(d). Further, Staff has proposed to relocate a portion of the language included in 3 AAC 48.240(b) into 3 AAC 48.270(a)(6). Therefore, Staff proposes remove the references to 3 AAC 48.240 and 3 AAC 48.280 and replace them with references to 3 AAC 48.220, 3 AAC 48.230 and 3 AAC 48.270(a)(6). Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as "Post Technical Conference Staff Proposed Regulation".

<b>R-15-006, Post Technical Conference Staff Proposed Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
(a) Initial and revised surcharge tariff filings are subject to 3 AAC 48.220, 3 AAC 48.230 and 3 AAC 48.270(a)(6).	<i>No Changes</i>	<i>No Changes</i>

**3 AAC 53.243(f). Retail services for which there is no dominant carrier.**

This subsection states that the provisions of 3 AAC 48.220(c) do not apply to special contracts for service where there is no dominant local exchange carrier. In this proceeding, Staff proposes to repeal 3 AAC 48.220 in it's entirety, reenact the section under a new section heading and adopt language that addresses the submission of a tariff filing to the Commission. In addition, Staff proposes to move the existing language found in 3 AAC 48.220(c) into a single regulation that addresses all special contracts (3 AAC 48.260). Therefore, Staff proposes to amend 3 AAC 53.243(f) by removing the reference to 3 AAC 48.220(c) and replacing it with a reference to 3 AAC 48.260(a). Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as "Post Technical Conference Staff Proposed Regulation".

<b>R-15-006, Post Technical Conference Staff Proposed Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
(f) The provisions of 3 AAC 48.260(a) do not apply to special contracts for services where there is no dominant carrier. Unless a petition for confidential treatment is filed under 3 AAC 48.045, a local exchange carrier may implement a special contract without approval of the commission by ...	<i>No Changes</i>	<i>No Changes</i>

**3 AAC 53.290. Miscellaneous provisions.**

In general, this section addresses miscellaneous requirements for telecommunication carriers operating in competitive local exchange markets.

3 AAC 53.290(a)(2): This subsection states that the provisions of 3 AAC 48.230 (Billing and Contract Forms) do not apply to a local exchange carrier. In this proceeding, Staff is proposing to repeal 3 AAC 48.230 in it's entirety, because Staff believes that the requirement that billing and contract forms continue to be submitted and approved through the tariff filing process is unnecessary and doesn't provide "real time" information. Based on Staff's proposal to repeal 3 AAC 48.230, there is no longer any need to include specific exemption language for local exchange carriers. Therefore, Staff proposes to repeal the language included in 3 AAC 53.290(a)(2). Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as "Post Technical Conference Staff Proposed Regulation" and repeal 3 AAC 53.290(a)(2) as proposed.

<b>R-15-006, Post Technical Conference Staff Proposed Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
(a) Except as provided in 3 AAC 48.440 and the <i>Alaska Intrastate Interexchange Access Charge Manual</i> , adopted by reference in 3 AAC 48.440, the provisions of ...	<i>No Changes</i>	<i>No Changes</i>
[(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] ...	<i>No Changes</i>	<i>No Changes</i>



**Continued ... 3 AAC 53.290. Miscellaneous provisions.**

3 AAC 53.290(h): This subsection outlines information that may be excluded from a tariff advice letter that proposes a competitive local exchange retail service, unless the proposal is to discontinue or increase rates. In this proceeding, Staff proposes to amend 3 AAC 48.270(a) by removing specific filing requirements from the regulation that do not aid in the understanding of a proposed tariff filing. Specifically, Staff proposes to remove the requirement that tariff advice letters include the estimated annual revenues under both existing and proposed rates and move the requirement that the estimated number of customers or shippers be included in an advice letter to 3 AAC 48.270(a). Therefore, Staff proposes to remove the reference to 3 AAC 48.270(a), replace it with 3 AAC 48.270(a)(5) and remove all references to estimated annual revenues. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as “Post Technical Conference Staff Proposed Regulation”.

R-15-006, Post Technical Conference Staff Proposed Regulation	R-15-006, Commenter Proposed Regulation	R-15-006, Staff Proposed Regulation
(h) The provision of 3 AAC 48.270(a)(5) that requires a tariff advice letter to include the estimated number of customers or shippers who will be affected by each separate schedule listed 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	No Changes	No Changes

**Continued ... 3 AAC 53.290. Miscellaneous provisions.**

3 AAC 53.290(j): This subsection states that the provisions of 3 AAC 48.230 (Billing and Contract Forms) apply to a remaining facilities-based local exchange carrier in an exchange that is no longer served by multiple certificated carriers. In this proceeding, Staff proposes to repeal 3 AAC 48.230 in it's entirely, because Staff believes that the requirement that billing and contract forms continue to be submitted and approved through the tariff filing process is unnecessary and doesn't provide "real time" information. Based on Staff's proposal to repeal 3 AAC 48.230, there is no longer any need to include specific exemption language for local exchange carriers. Therefore, Staff proposes to repeal the reference to 3 AAC 48.230 included in 3 AAC 53.290(j). Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as "Post Technical Conference Staff Proposed Regulation".

<b>R-15-006, Post Technical Conference Staff Proposed Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
(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 48.275, 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.	<i>No Changes</i>	<i>No Changes</i>

**3 AAC 53.345(c). Local exchange carrier of last resort support and rate cap increase.**

This subsection outlines the process a local exchange carrier of last resort must observe in seeking to initiate, renew or modify its total carrier of last resort support amount or to increase its carrier common line rate cap. The existing language specifically references the general tariff form and filing regulations found in 3 ACC 48.220, 3 AAC 48.240 and 3 AAC 48.270. In this proceeding, Staff proposes to repeal 3 AAC 48.240 in it's entirely and consolidate the majority of the language included in the existing regulations under 3 AAC 48.220, which details how a utility or pipeline carrier should submit a tariff filing to the Commission. Therefore, Staff proposes to amend 3 AAC 53.345(c) by removing the reference to 3 AAC 48.240. Staff recommends the Commission adopt the regulation proposed by Staff following the technical conference, seen below as "Post Technical Conference Staff Proposed Regulation".

<b>R-15-006, Post Technical Conference Staff Proposed Regulation</b>	<b>R-15-006, Commenter Proposed Regulation</b>	<b>R-15-006, Staff Proposed Regulation</b>
(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 and 3 AAC 48.270.	<i>No Changes</i>	<i>No Changes</i>