

3 AAC 48.220 is repealed and readopted to read:

3 AAC 48.220. Tariff filing submission, calculation of statutory notice period and effective date. (a) Unless otherwise provided, the statutory notice period for a tariff filing 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 and form and filing requirements provided by statute and 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 shall be renumbered with the next available tariff advice number and treated as a new tariff filing.

(b) Unless otherwise specified by order or another applicable provision of this chapter, tariff filings may be submitted electronically, in accordance with 3 AAC 48.095. A utility or pipeline carrier filing on paper shall submit an original and five copies of each tariff filing, unless otherwise directed.

(c) Each tariff filing submitted to the commission must be transmitted by means of consecutively numbered tariff advice letters. Every tariff advice letter must contain the applicable information set out in 3 AAC 48.270(a), unless another commission

regulation provides otherwise, and is subject to one of the following statutory notice periods:

(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;

(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;

(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.

(d) A tariff filing made prior to 5 p.m. on a regular business day, whether submitted on paper or electronically, will be considered filed with the commission for the purpose of determining the statutory notice period. The day after the filing is submitted with the commission will be counted as the first day of the period of notice to the commission and the public in accordance with AS 01.10.080. The statutory notice periods set forth in 3 AAC 48.220(c) shall be determined in the same manner prescribed under 3 AAC 48.090. If a notice period ends on a Saturday, Sunday, or state legal holiday, the notice period will be extended to the end of the commission's next regular

business day. In computing the statutory notice period, no consideration will be given to notice by telephone, electronic mail, or facsimile.

(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.

(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). 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). 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.

(g) After approval, 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.

(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. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 8/6/92, Register 123; am 9/16/2005, Register 175; am 4/24/2009, Register 190; am 11/6/2016, Register 220; am __/__/____, Register ____)

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

3 AAC 48.230 is repealed:

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

3 AAC 48.240 is repealed:

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

3 AAC 48.250(a) is amended to read:

3 AAC 48.250. Tariff on file for public inspection. (a) Each utility or pipeline carrier shall maintain in its tariff a list of the locations at which it keeps a copy of its

paper tariff available for public inspection and, if applicable, the website address of its electronic tariff.

3 AAC 48.250(c) is repealed:

(c) Repealed __/__/____. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; repealed __/__/____, Register ____)

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

3 AAC 48.260 is repealed:

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

3 AAC 48.270 is repealed and readopted to read:

3 AAC 48. 270. Tariff advice letters. (a) Unless otherwise provided, every tariff filing required by 3 AAC 48.200 – 3 AAC 48.430, except filings directly related to applications for new or amended certificates of public convenience and necessity, must be transmitted to the commission by a consecutively numbered letter designated as “Tariff Advice Letter No. 1, 2, 3, etc.” Tariff advice letters may be on either letterhead or plain paper, but must be formatted to print eight and one-half inches by 11 inches in size, must contain the name and return address of the filing utility or pipeline carrier,

and the name, return address, and electronic mail address, of the filing utility or pipeline carrier's representative authorized to issue tariffs. Tariff advice letters must:

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

customer was not required to take service under an existing tariff schedule or appropriate revision of it, designed to accommodate the customer and all others similarly situated. If a special contract is filed under seal, in accordance with 3 AAC 48.045(a), the tariff advice letter must also name the signatories to the contract and give the date of execution. (Eff. 5/9/75, Register 54; am 6/29/84, Register 90; am 8/6/92, Register 123; am 4/24/2004, Register 170; am 11/6/2016, Register 220; am __/__/____, Register ____)

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

3 AAC 48.280 is repealed and readopted to read:

3 AAC 48.280. Additional public notice. The commission will, in its discretion, and on a case-by-case basis, prescribe one or more appropriate additional means by which a tariff filing must be noticed to the public, including, but not limited to

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

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

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

Authority:	AS 42.05.141	AS 42.05.411	AS 42.06.390
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AS 42.05.151

AS 42.06.140

AS 42.05.361

AS 42.06.350

3 AAC 48.290 is amended to read:

3 AAC 48.290. Response to public notice.

(Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 11/6/2016, Register 220; am ___/___/___, Register ___)

Authority: AS 42.05.141

AS 42.06.140

AS 42.06.370

AS 42.05.151

AS 42.06.350

AS 42.06.390

The section heading of 3 AAC 48.300 is changed to read:

3 AAC 48.300. Waiver of statutory notice period.

3 AAC 48.300(a) is amended to read:

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

3 AAC 48.300(b) is amended to read:

(b) In response to each request under (a) of this section, the commission will, in its discretion, take one of the following actions:

(1) deny the request and require at least the statutory notice period to expire before allowing the tariff filing to take effect;

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

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

...

3 AAC 48.300(c) is amended to read:

(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 [SOONER THAN] the end of the statutory notice period for [TARIFF FILINGS, INCLUDING]

...

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

...

(4) tariff filings [TARIFFS] filed to comply with orders of the commission. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am __/__/____, Register __)

Authority:	AS 42.05.141	AS 42.05.411	AS 42.06.390
	AS 42.05.151	AS 42.06.140	AS 42.06.400

3 AAC 48.310(b) is amended to read:

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

3 AAC 48.310(c) is amended to read:

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

3 AAC 48.310(e) is amended to read:

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

3 AAC 48.310(f) is amended to read:

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

3 AAC 48.310(g) is amended to read:

(g) If a suspended tariff filing is withdrawn by a utility or a pipeline carrier and later refiled, the commission will, in its discretion, suspend **the filing** [IT] again up to the full statutory period.

(Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am __/__/____, Register ____)

Authority: AS 42.05.141 AS 42.05.421 AS 42.06.400
AS 42.05.151 AS 42.06.140[(a)]
AS 42.05.411 AS 42.06.350

3 AAC 48.320 is repealed and readopted to read:

3 AAC 48.320. Separate tariff for each utility or pipeline carrier and controlling effective tariff. (a) When a single entity furnishes more than one kind of utility 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.

(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.

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

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

(e) Errors occurring in an effective tariff 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. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am __/__/____, Register ____)

Authority:	AS 42.05.141	AS 42.05.371	AS 42.06.140[(a)]
	AS 42.05.151	AS 42.05.381	AS 42.06.360

3 AAC 48.330(a) is amended to read:

3 AAC 48.330. Format of tariff sheets. (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(d)** [3 AAC 48.360(f)], **include the following information** [MUST BE CLEARLY PRINTED OR TYPED ON FORMS THAT ARE IN EVERY RESPECT, EXCEPT SIZE, EXACTLY THE SAME AS THE FORM SET OUT BELOW]:

(1) the number of the utility or pipeline carrier's certificate of public convenience and necessity;

(2) the tariff sheet number;

(3) the tariff sheet revision number;

(4) the name of the utility or pipeline carrier;

(5) the tariff advice number; and

(6) the proposed effective date.

[RCA NO. _____ SHEET NO. _____
CANCELING
_____ SHEET NO. _____

EXACT LEGAL NAME OF UTILITY (AS LISTED ON CERTIFICATE)

TARIFF ADVICE NO. _____ EFFECTIVE: _____ DATE _____

ISSUED BY: UTILITY NAME _____

BY: _____ TITLE: _____

(AUTHORIZED REPRESENTATIVE'S NAME) (AUTHORTIZED REPRESENTATIVE'S
TITLE)]

(Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 4/24/2004, Register 170; am
__/__/____, Register __)

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

3 AAC 48.340(a) is amended to read:

3 AAC 48.340. Tariff sheet designation. (a) Each [COMPLETELY] new tariff
sheet must be officially designated by the letters "RCA" in the upper left-hand corner of
the tariff sheet, followed by the number of the utility [UTILITY'S] or pipeline carrier's

certificate of public convenience and necessity authorizing the utility or pipeline carrier to furnish the kind of service or commodity covered by its tariff.

3 AAC 48.340(b) is amended to read:

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

3 AAC 48.340(c) is amended to read:

(c) The amendment of any sheet of a tariff shall be made only by reissuing the particular sheet upon which the change, addition, or cancellation is made. Reissuing the sheet means to cancel it by a new **tariff sheet** [PAGE WHICH SHALL BE DESIGNATED AS A REVISED PAGE IN THE MANNER SHOWN BELOW] and shall contain the same tariff provisions except whatever additions, changes, or cancellations are made. Each revised tariff sheet shall bear the same sheet number, **either spelled out or in numerical format**, 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** [SHALL] be shown in the manner indicated in the following example:

FIRST REVISION OF SHEET

CANCELLING

ORIGINAL SHEET

When the first revision of a sheet is to be amended, it shall be cancelled by a second revised sheet in the following manner:

SECOND REVISION OF SHEET

CANCELLING

FIRST REVISION OF SHEET

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

3 AAC 48.340(d) is amended to read:

(d) If, after a tariff has been issued, it becomes necessary to add an additional **sheet** [PAGE] to provide for expanded or additional tariff matter, the added **sheet** [PAGE] 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** [DECIMAL] **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. **Either dashes or periods should be used consistently throughout the tariff.** In no case, however, shall a sheet be added between two sheets both of which bear sheet numbers with suffixes containing two **periods** [DECIMAL PLACES] **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**.

3 AAC 48.340(f) is amended to read:

(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 [AS INDICATED IN THE FOLLOWING EXAMPLE:

FOR (HERE IDENTIFY THE OMITTED MATTER) FORMERLY PUBLISHED ON ...
(HERE INSERT THE WORDS “ORIGINAL SHEET OR REVISION OF SHEET”),
SEE REVISION OF SHEET]

[THE] **and the** sheet to which the omitted matter is transferred shall refer to the **tariff** sheet on which the matter was formerly published [, SUBSTANTIALLY AS FOLLOWS:
FOR (HERE IDENTIFY THE TRANSFERRED MATTER) IN EFFECT PRIOR TO THE EFFECTIVE DATE HEREOF, SEE (HERE INSERT THE WORDS “ORIGINAL SHEET OR REVISION OF SHEET”)].

The cancellation of the matter on the former **tariff** sheet shall be made effective simultaneously with the effective date of the matter on the sheet to which it is transferred. Subsequent revisions of the revised sheets accomplishing the transfer shall omit the references required above [WITH RESPECT TO THE TRANSFERRED MATTER].

3 AAC 48.340(g) is amended to read:

(g) If anything on a tariff sheet is to be cancelled entirely, and is not to be transferred to another **sheet** [PAGE] of the same tariff, the revised sheet which effects the amendment shall specifically show the cancellation of the provisions, **as prescribed by 3 AAC 48.360(g).** [AND IDENTIFY THE PROVISIONS TO BE CANCELLED. FOR EXAMPLE, IF A RULE IS CANCELLED, THE NUMBER AND CAPTION OF THE RULE SHOULD BE BROUGHT FORWARD ON THE NEW SHEET BUT THE BODY OF THE RULE SHOULD BE OMITTED AND, IN ITS PLACE, IT SHOULD BE STATED THAT THE RULE IS CANCELLED. ALTERNATIVELY, THE CANCELLATION (BUT NOT TRANSFER) OF A SUBSTANTIAL PORTION OF MATERIAL ON A TARIFF SHEET MAY BE ACCOMPLISHED BY SIMPLY OMITTING THE MATTER TO BE CANCELLED AND INSERTING A FOOTNOTE AT THE BOTTOM OF THE REVISED SHEET CLEARLY INDICATING THE NATURE OF THE MATTER THAT HAS BEEN CANCELLED.] Subsequent revisions of the revised **tariff** sheet that effected the cancellation shall omit the **required margin notations** [CANCELLATION]. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 4/24/2004, Register 170; am __/__/__, Register __)

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

3 AAC 48.350 is repealed:

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

3 AAC 48.360 is repealed and readopted to read:

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

(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;

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

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

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

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

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

(c) The maps furnished by a pipeline carrier must show the pipeline facility or extension, 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

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

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

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

(e) Special contracts with customers must be filed separately by the utility and need not conform to the numbering plan set out in this section, nor be included in the index page.

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

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

C - To denote a changed condition or regulation

D - To denote a discontinued rate, regulation, or condition

I - To denote an increase

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

N - To denote a new rate, regulation, condition, or sheet

S - To denote reissued matter

R - To denote a reduction

T - To denote a change in text for clarification

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

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

3 AAC 48.390 is repealed and readopted to read:

3 AAC 48.390. Special contracts. (a) Special contracts are treated as tariff filings. A utility service, commodity, or facility furnished to a customer under an unwritten contract or arrangement must be discontinued unless the parties to it execute a written contract and file it with the commission. This 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.

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

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

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

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

(d) A special contract 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.

(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:

(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;

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

(3) the commission has specified the rate or rates to be charged the customer in the special contract;

(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

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

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

(g) If the parties to a special contract 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. (Eff. 11/16/73, Register 48; am 1/19/80, Register 73; am 6/29/84, Register 90; am __/__/____, Register __)

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

3 AAC 48.400(a) is amended to read:

3 AAC 48.400. Adoption notice. (a) When the name of a utility or pipeline carrier, as shown on a certificate of public convenience and necessity is changed, due to the [A UTILITY OR PIPELINE CARRIER, OR PORTION OF ONE, IS

TRANSFERRED FROM 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:

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3 AAC 48.400(c) is amended to read:

(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** [OF IT SUBSEQUENT TO ADOPTION] will bear[, AT THE TOP PART OF EACH TARIFF SHEET,] the name of the utility or pipeline carrier whose tariff was adopted [AND, AT THE BOTTOM PART OF THE SHEET AFTER “ISSUED BY,” THE NAME OF THE UTILITY OR PIPELINE CARRIER THAT ADOPTED THE TARIFF AND IS ISSUING THE REVISIONS OF THE TARIFF]. A tariff adopted by one utility or pipeline carrier may not be adopted by another utility or pipeline carrier, but instead must be filed as the tariff of the filing utility or pipeline carrier without any substantive change in the rates, charges, rules, and regulations of the predecessor utility or pipeline carrier. (Eff. 11/16/73, Register 48; am 6/29/84 Register 90; am __/__/____, Register __)

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

3 AAC 48.410 is repealed and readopted to read:

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

(a) A newly formed utility, or a utility brought under the commission's jurisdiction by operation of law, shall file its complete tariff with the commission as part of its application for a certificate of public convenience and necessity. A utility filing an application for extension of its service area shall include as part of its application any tariff revisions that may be required and a statement justifying the applicability of its existing tariff in the new service area. 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.

(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. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am __/__/__, Register __)

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

AS 42.05.361

AS 42.06.305

AS 42.06.390

3 AAC 48.468(b) is amended to read:

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

(Eff. 1/9/2009, Register 189; am __/__/____, Register ____)

Authority: AS 42.04.080

AS 42.06.140

AS 42.06.400

AS 42.06.055

AS 42.06.350

3 AAC 48.645(a) is amended to read:

3 AAC 48.645. Applications: notice, deadline for filing competing applications; public hearing. (a) An application for a certificate of public convenience and necessity; for an amendment to a certificate; for discontinuance, abandonment, or suspension of a service, facility, or route in whole or in part; for transfer of a certificate of public convenience and necessity; or for the authority to acquire or dispose of a controlling interest in a certificated public utility or pipeline carrier under AS 42.05.281 or AS 42.06.305; or any other application described in 3 AAC 48.625 and 3 AAC 48.640(a), will be noticed by the commission to the public in substantially the same manner and format as a tariff filing is noticed to the public under **3 AAC 48.220 and** 3 AAC 48.280 - 3 AAC 48.290. If an application for a certificate, for an amendment to, or

transfer of, a certificate, or for authority to acquire a controlling interest in a certificated utility or pipeline carrier, is filed by a utility or pipeline carrier that is not subject to economic regulation by the commission, the public notice will state that fact, define the meaning of the term “economic regulation,” and place the public on notice by explaining that, with respect to this applicant, the commission has no jurisdiction over matters that constitute economic regulation. The notice will cite the applicable statute, regulation, or other authority, under which the applicant is exempt or claims exemption from economic regulation.

(Eff. 6/29/84, Register 90; am __/__/____, Register ____)

Authority:	AS 42.05.141	AS 42.06.140[(a)]	AS 42.06.290
	AS 42.05.151	AS 42.06.240	AS 42.06.300
	AS 42.05.221	AS 42.06.250	AS 42.06.305
	AS 42.05.231	AS 42.06.260	AS 42.06.340
	AS 42.05.241	AS 42.06.270	

3 AAC 48.710(a) is amended to read:

3 AAC 48.710. Filing requirements. (a) A rate adjustment filing under 3 AAC 48.700 - 3 AAC 48.790 is governed by **3 AAC 48.220** [3 AAC 48.240] and 3 AAC 48.270.

(Eff. 1/1/87, Register 100; am __/__/____, Register ____)

Authority:	AS 42.05.141	AS 42.05.381	AS 42.05.421
	AS 42.05.151	AS 42.05.411	AS 42.05.431

3 AAC 48.730(a) is amended to read:

3 AAC 48.730. Notice and effective date. (a) A cooperative's rate adjustment filing under 3 AAC 48.700 - 3 AAC 48.790 is governed by **3 AAC 48.220** – 3 AAC 48.280 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.

(Eff. 1/1/87, Register 100; am __/__/____, Register ____)

Authority:	AS 42.05.141	AS 42.05.381	AS 42.05.421
	AS 42.05.151	AS 42.05.411	AS 42.05.431

3 AAC 52.375(b) is amended to read:

(b) The certificated carrier shall maintain a current tariff of wholesale rates and all special contracts for wholesale rates on file with the commission. The carrier may reduce wholesale rates without approval of the commission after 30 days' notice to the commission of a tariff revision submitted in accordance with 3 AAC 48.220[, 3 AAC 48.240,] and 3 AAC 48.270. A tariff revision to increase wholesale rates, to offer new or repackaged wholesale services, or to implement special contracts for wholesale service is subject to the provisions of 3 AAC 48.220, [3 AAC 48.240,] 3 AAC 48.270, and 3 AAC 48.280 - 3 AAC 48.410 and must also include quantitative data, including cost-of-service data, in support of the proposed rates.

(Eff. 3/16/91, Register 117; am 7/8/93, Register 127; am 9/1/2002, Register 163; am 5/18/2003, Register 166; am 9/16/2005, Register 175; am __/__/____, Register ____)

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

3 AAC 52.390(a)(1) is repealed:

(1) repealed __/__/____;

(Eff. 3/16/91, Register 117; am 7/8/93, Register 127; am 9/1/2002, Register 163; am 5/18/2003, Register 166; am 8/27/2004, Register 171; am 9/16/2005, Register 175; am 10/6/2013, Register 208; am 8/1/2015, Register 215; am 11/6/2016, Register 220; repealed __/__/____, Register ____)

Authority: AS 42.05.141 AS 42.05.151 AS 42.05.800
AS 42.05.145 AS 42.05.291

3 AAC 52.732 is amended to read:

3 AAC 52.732. Tariffs revisions. A provisionally certificated utility may revise its tariffs without commission approval, but must file any revision within 30 days after the effective date of the revised tariff. The filing must be submitted in accordance with **3 AAC 48.220** [3 AAC 48.240] and 3 AAC 48.270 and state the effective date of the revised tariff. (Eff. 6/19/2004, Register 170; am 11/6/2016, Register 220; am __/__/____, Register ____)

Authority: AS 42.05.141 AS 42.05.151 AS 42.05.361

3 AAC 52.734(a) is amended to read:

3 AAC 52.734. Tariffs on file for public inspection. (a) A provisionally certificated utility shall keep its tariff available for public inspection in accordance with 3 AAC 48.250[(a) AND (b) AND 3 AAC 48.260].

(Eff. 6/19/2004, Register 170; am __/__/____, Register ____)

Authority: AS 42.05.141 AS 42.05.151 AS 42.05.361

3 AAC 52.810(a) is amended to read:

3 AAC 52.810. Notice. (a) Initial and revised surcharge tariff filings are subject to **3 AAC 48.220, 3 AAC 48.270(a)(6),** [3 AAC 48.240] and 3 AAC 48.280.

(Eff. 6/29/2014, Register 210; am __/__/____, Register ____)

Authority: AS 42.05.141 AS 42.05.151

3 AAC 53.243(d) is amended to read:

(d) The provisions of 3 AAC 48.270(a) do not apply to filings made under this section. The provisions of **3 AAC 48.390(a) AND 3 AAC 48.390(b)(1)** [3 AAC 48.220(c) and 3 AAC 48.390(a)(1)] do not apply to special contracts for services where there is no dominant carrier. ...

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

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

...

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

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

3 AAC 53.243(e) is amended to read:

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

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

(3) the special contract filed does not include the provision required in **3 AAC 48.390(b)(2)** [3 AAC 48.390(a)(2)].

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

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

3 AAC 53.245(d) is amended to read:

(d) A petition for a rate modification filed under this section must also be filed in accordance with **3 AAC 48.220** [3 AAC 48.240] and 3 AAC 48.270, and must include the following:

(Eff. 9/16/2005, Register 175; am 11/6/2016, Register 220; am __/__/____,
Register ____)

Authority: AS 42.05.141 AS 42.05.381 AS 42.05.421
AS 42.05.151

3 AAC 53.290(a)(2) is repealed:

(2) repealed __/__/____;

3 AAC 53.290(h) is amended to read:

(h) The provision of **3 AAC 48.270(a)(5)** [3 AAC 48.270(a)] that requires **a tariff advice letter to include** [THE FILING OF] the estimated number of customers or shippers who will be affected by each separate schedule listed [AND THE ESTIMATED ANNUAL REVENUES UNDER BOTH THE EXISTING AND PROPOSED RATES] does not apply to a retail service offering of a local exchange carrier unless the carrier proposes to discontinue or increase the rates for a service. However, the commission may require a local exchange carrier filing a tariff under 3 AAC 53.240 to provide that information after the carrier submits its tariff proposal.

3 AAC 53.290(j) is amended to read:

(j) If the commission, by order, finds that an exchange is no longer served by multiple certificated facilities-based local exchange carriers, the remaining certificated facilities-based local exchange carrier shall be a dominant carrier for all retail services and shall also be the carrier of last resort. The provisions of [3 AAC 48.230,] 3 AAC

48.275, 3 AAC 48.277, and 3 AAC 48.430 apply to the remaining certificated facilities-based local exchange carrier. The provisions of 3 AAC 53.240 and 3 AAC 53.243 no longer apply to the remaining certificated facilities-based local exchange carrier. The commission will determine, upon petition or on its own motion, whether the exchange remains a competitive local exchange market. (Eff. 6/21/98, Register 146; am 11/11/2001, Register 160; am 4/24/2004, Register 170; am 9/16/2005, Register 175; am 7/31/2011, Register 199; am 11/6/2016; Register 220: am __/__/____, Register __)

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

3 AAC 53.345(c) is amended to read:

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

(Eff. 7/31/2011, Register 199; am __/__/____, Register __)

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