



STATE OF ALASKA
DEPARTMENT OF
COMMERCE
COMMUNITY AND
ECONOMIC DEVELOPMENT

Bill Walker, Governor
Chris Hladick, Commissioner
T. W. Patch, Chairman

Regulatory Commission of Alaska

MEMORANDUM

To: Representative Mike Hawker, Chair
Legislative Budget and Audit Committee

Date: July 8, 2015

From: Ann Wilde *AW*
Commission Section Manager

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cc: T.W. Patch, Chairman
Regulatory Commission of Alaska

Under AS 42.05.175(g), the Regulatory Commission of Alaska is required to file quarterly reports with the Legislative Budget and Audit Committee identifying all extensions ordered under AS 42.05.175(f).

Acting in accordance with AS 42.05.175(f) and with the consent of the parties, the Commission extended the statutory timeline in the following dockets:

U-11-013, *Order Granting Petition and Extending Statutory Timeline*, dated April 24, 2015.

U-15-016, *Order Confirming Procedural Schedule, Extending Statutory Timeline With Consent of Parties, and Extending Suspension Period of TA20-733*, dated May 1, 2015.

U-14-113, *Order Extending Statutory Timeline With Consent of Party*, dated May 7, 2015.

U-15-002, *Order Accepting Stipulation; Staying Proceeding; Vacating Procedural Schedule; Extending Statutory Timeline; Extending Suspension Period of TA37-514; and Changing Administrative Law Judge*, dated May 15, 2015.

U-14-102, *Order Accepting Stipulation; Staying Proceeding; Vacating Procedural Schedule; Extending Statutory Timeline; Extending Suspension Period of TA35-514; and Changing Administrative Law Judge*, dated May 15, 2015.

U-14-104/U-14-105/U-14-106/U-14-107, *Order Granting Motion for Revised Procedural Schedule; Extending Statutory Timeline with Consent of Parties; Extending Tariff Suspension Periods of TA74-667, TA86-692, TA57-714, and TA46-731; and Extending Time to Rule on Petition for Confidential Treatment*, dated May 28, 2015.

The Commission issued an order under AS 42.05.175(f)(1)-(3) in one docket during this quarter.

U-13-203, *Order Extending Statutory Timeline and Suspension Period*, dated June 2, 2015.

STATE OF ALASKA

THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:

Robert M. Pickett, Chairman
Stephen McAlpine
T.W. Patch
Norman Rokeberg
Janis W. Wilson

In the Matter of the Tariff Revision Designated as)
TA355-32 Filed by HOMER ELECTRIC)
ASSOCIATION, INC.)

U-13-203

ORDER NO. 22

ORDER EXTENDING STATUTORY TIMELINE AND SUSPENSION PERIOD

BY THE COMMISSION:

The timeline for issuance of a final order in this docket is currently Tuesday, June 2, 2015.¹ On the afternoon of Thursday, May 28, 2015, the Superior Court entered orders in Case No. 3AN-14-06125 CI and Case No. 3AN-14-08890 CI, vacating Order U-13-203(10)/U-13-204(10)² and remanding matters to us for clarification. The Protesting Utilities and the Municipality of Anchorage d/b/a Municipal

¹Order U-13-203(12), *Order Extending Statutory Timeline, Modifying Procedural Schedule, and Extending Suspension Period*, dated July 25, 2014, at 2.

²Order U-13-203(10)/U-13-204(10), *Order Establishing Interim and Refundable Inception Rates for Wheeling Bradley Lake Energy from Soldotna Substation to Quartz Creek Substation; Denying Interim Inception Rates for Wheeling Non-Bradley Lake Energy and Temporary Implementation of Rules for Wheeling Energy; Extending Suspension of TA355-32; Scheduling Prehearing Conference in Docket U-13-203; Denying TA356-32 Without Prejudice to Refiling; Requiring Filings; and Closing Docket U-13-204*, dated June 30, 2014 (Order U-13-203(10)/U-13-204(10)).

1 Light and Power (ML&P) have separately filed motions asking us to reject TA355-32
2 and TA356-32 with prejudice and to close Dockets U-13-203 and U-13-204.³

3 The Protesting Utilities filed a motion to dismiss this proceeding on June 1,
4 2015. ML&P filed a similar motion on June 2, 2015. Neither the Protesting Utilities nor
5 ML&P filed motions for expedited consideration of their dispositive motions.
6 Nonetheless, on June 2, 2015, later in the day, Homer Electric Association, Inc. (HEA)
7 filed an opposition to the dispositive motions.⁴

8 Under our regulations, HEA, the Alaska Energy Authority (AEA), and the
9 Attorney General (AG) have 15 days to respond to the dispositive motions and the
10 Protesting Utilities and ML&P have 3 business days to reply.⁵ To allow opportunity for
11 AEA and the AG to respond and for HEA to supplement its response filed on very
12 shortened time, we find good cause to extend the statutory timeline for this proceeding
13 for ninety days to August 31, 2015.⁶

14 The three business days between issuance of the Superior Court remand
15 order and expiration of the statutory deadline is insufficient to allow a reasonable time
16 for us to address the remand and issue a final order within the current statutory timeline.
17 Accordingly, we also find good cause to extend the timeline for issuance of a final order
18 in this docket for ninety days to August 31, 2015, to address the Superior Court's
19

20 ³*Protesting Utilities' Motion to Reject HEA's Tariff Filings and Close Dockets for*
21 *Lack of Jurisdiction*, filed June 1, 2015, in Dockets U-13-203 and U-13-204; *ML&P's*
22 *Motion to Dismiss TA355-32 and TA356-32 With Prejudice*, filed June 2, 2015, in
Dockets U-13-203 and U-13-204.

23 ⁴*Homer Electric Association, Inc.'s Opposition to Motions to Dismiss*, filed June 2,
2015.

24 ⁵3 AAC 48.091(d) and (e).

25 ⁶AS 42.05.175(f).

1 remand order. Further, we extend the suspension of TA355-32 to August 31, 2015, so
2 that the end of the suspension period coincides with the final order timeline.

3 **ORDER**

4 THE COMMISSION FURTHER ORDERS:

5 1. The statutory timeline for issuance of a final order in Docket U-13-203
6 is extended for ninety days until August 31, 2015.

7 2. The suspension of TA355-32, filed November 15, 2013, by Homer
8 Electric Association, Inc. is extended to August 31, 2015.

9 DATED AND EFFECTIVE at Anchorage, Alaska, this 2nd day of June, 2015.

10 BY DIRECTION OF THE COMMISSION
11 (Commissioner Janis W. Wilson, concurring in result with separate statement.)

