

# **ALASKA ADMINISTRATIVE CODE**

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## **Title 3**

### **Commerce, Community, and Economic Development**

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**JULY 2017 SUPPLEMENT  
INCLUDING REGISTERS 218 THROUGH 222**

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#### **REGULATORY COMMISSION OF ALASKA**

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## Part 7. Regulatory Commission of Alaska.

### Chapter

- 47. Regulatory Cost Charges for Public Utilities and Pipeline Carriers (3 AAC 47.010 — 3 AAC 47.999)
- 48. Practice and Procedure (3 AAC 48.010 — 3 AAC 48.820)
- 49. Deregulation (3 AAC 49.010 — 3 AAC 49.100)
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### Chapter 47. Regulatory Cost Charges for Public Utilities and Pipeline Carriers.

#### Article

- 2. Regulatory Cost Charges for Regulated Public Utilities and Pipeline Carriers (3 AAC 47.020 — 3 AAC 47.070)

#### Article 2. Regulatory Cost Charges for Regulated Public Utilities and Pipeline Carriers.

##### Section

- 50. Regulatory cost charge quarterly payments; reporting requirements

##### Section

- 60. Annual reporting requirements
- 70. Billing of regulatory cost charges

**3 AAC 47.050. Regulatory cost charge quarterly payments; reporting requirements.** (a) If the commission by order under 3 AAC 47.030(e) directs that payment of the regulatory cost charge must be made quarterly, each regulated utility and pipeline carrier shall submit to the Department of Revenue, within 30 days after the end of each quarter of the state fiscal year, quarterly payment of its regulatory cost charge, calculated by applying the regulatory cost charge rate established under 3 AAC 47.030(e) to the amounts described in (b)(1) of this section.

(b) At the time a regulated utility or pipeline carrier submits the payment required by (a) of this section, it shall electronically file with the commission, in accordance with 3 AAC 48.095, a report that contains the

(1) amount of adjusted gross regulated operating revenue from bills rendered during the preceding quarter and, in the case of a regulated electric utility, kilowatt-hour sales, not including wholesale sales, on bills rendered during the preceding quarter; and

(2) total regulatory cost charge due on adjusted gross regulated operating revenue or, in the case of a regulated electric utility, kilowatt-hour sales, not including wholesale sales, for the preceding quarter;

(3) repealed 12/1/94.

(Eff. 10/21/92, Register 124; am 12/1/94, Register 132; readopt 12/1/95, Register 136; am 11/6/2016, Register 220)

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

**3 AAC 47.060. Annual reporting requirements.** Within 30 days after the filing with the commission of the annual report required by AS 42.05.451(b) and AS 42.06.430(7), a regulated utility or pipeline carrier shall electronically file with the commission, in accordance with 3 AAC 48.095, on a form provided by the commission, a report containing

(1) the total amount of the regulated utility's or pipeline carrier's adjusted gross regulated operating revenue and, in the case of a regulated electric utility, kilowatt-hour sales, not including wholesale sales, for the period of the report;

(2) the total regulatory cost charge due on adjusted gross regulated operating revenue or, in the case of a regulated electric utility, the total regulatory cost charge due, based on kilowatt-hour sales, not including wholesale sales, for the period of the report;

(3) a reconciliation of the annual amounts with the amounts previously filed for quarterly periods for the period of the report;

(4) the total amount collected from ratepayers for the period of the report from a charge implemented under 3 AAC 47.070; and

(5) an affidavit stating whether the total regulatory cost charge due for the annual period, including adjustments required for payments for quarterly periods, has been paid to the Department of Revenue. (Eff. 10/21/92, Register 124; readopt 12/1/95, Register 136; am 11/6/2016, Register 220)

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

**3 AAC 47.070. Billing of regulatory cost charges.** (a) A regulated utility or pipeline carrier may implement a separate charge on its bills to retail customers and shippers, including bills rendered by a local exchange carrier on behalf of an interexchange carrier, to collect the regulatory cost charge, subject to the following limitations:

(1) in the case of a regulated electric utility, the amount billed to customers may be no more than the regulatory cost charge rate per kilowatt-hour times the number of kilowatt-hours billed;

(2) in the case of a local exchange carrier, the amount billed to customers may be no more than the regulatory cost charge rate times the amount billed for all local services;

(3) in the case of an interexchange carrier, including bills rendered by a local exchange carrier on behalf of an interexchange carrier, the amount billed to the customers may be no more than the regulatory cost charge rate times the amount billed for intrastate interexchange service;

(4) in the case of all other regulated utilities and pipeline carriers, the amount billed may be no more than the regulatory cost charge rate times the amount billed for all services; and

(5) if the commission requires payment of the regulatory cost charge in a single annual payment under 3 AAC 47.030(e),

(A) at the beginning of the complete billing period after a regulated utility or pipeline carrier has billed for the full amount of the charge imposed by the commission plus the net cost of capital resulting from the time between the date the regulatory cost charge is paid to the state and the date the regulatory cost charge is collected by the regulated utility or pipeline carrier from its customers or shippers, the utility or carrier shall discontinue billing its regulatory cost charge, including the net cost of capital;

(B) a regulated utility or pipeline carrier may, without prior commission approval, reduce the regulatory cost charge, including the net cost of capital, it bills its customers or shippers for the final month of collection to minimize the amount that would otherwise be overcollected; and

(C) if the regulatory cost charge, including the net cost of capital, collected by a regulated utility or pipeline carrier from its customers or shippers exceeds the amount imposed by the commission by more than two percent, that utility or pipeline carrier shall propose to the commission a method of returning to its customers or shippers the excess amount.

(b) A separate charge implemented by a regulated utility or pipeline carrier in accordance with (a) of this section must be entitled "Regulatory Cost Charge" on bills to customers or shippers.

(c) A regulated utility or pipeline carrier may implement a charge in accordance with (a) of this section, without prior commission approval, after the commission has implemented the initial or revised regulatory cost charge. Within 15 days after implementing a charge under (a) of this section, a regulated utility or pipeline carrier shall submit a tariff filing under the procedures set out in 3 AAC 48.220, 3 AAC 48.240, and 3 AAC 48.270.

(d) A regulated utility or pipeline carrier may not include regulatory cost charges in rates or charges to customers or shippers except as provided in (a) of this section.

(e) The failure of a regulated utility or pipeline carrier to implement a separate charge on its bills to customers or shippers to collect the regulatory cost charge does not affect the obligation of the regulated utility or pipeline carrier to pay the regulatory cost charge to the state. (Eff. 10/21/92, Register 124; am 12/1/94, Register 132; am/readopt 12/1/95, Register 136; am 6/13/2006, Register 178; am 11/6/2016, Register 220)

**Authority:** AS 42.05.141  
AS 42.05.151

AS 42.05.254  
AS 42.06.140

AS 42.06.286

## Chapter 48. Practice and Procedure.

### Article

1. Practice Before the Commission (3 AAC 48.010 — 3 AAC 48.190)
2. Utility and Pipeline Tariffs (3 AAC 48.200 — 3 AAC 48.442)

### Article 1. Practice Before the Commission.

#### Section

- 20. Communications
- 25. Format for filings
- 40. Confidential records
- 60. Formal and informal procedures and files
- 90. Filing, service, amendment and disposition of pleadings
- 91. Motions

#### Section

- 95. Electronic filing requirements
- 100. General requirements of filings
- 142. Service of discovery
- 182. Notice of public meetings
- 183. Public meeting agendas

**3 AAC 48.020. Communications.** (a) All correspondence with the commission should be addressed to the commission at its principal office and not to an individual staff member or commissioner unless otherwise specifically authorized or directed by the commission. If a written communication to the commission is in response to correspondence or an order of the commission, the response should make reference to the docket number, informal complaint number or file reference used by the commission.

(b) Repealed 6/29/84.

(c) Each written communication should embrace only one subject and should include the name and return address of the sender, the correct docket number and the commission's file reference, if any, to which the communication relates.

(d) If the writer holds a certificate of public convenience and necessity, the certificate holder should use the name on the certificate and state the certificate number. Correspondence not complying with this subsection may be disregarded at the commission's discretion. The commission will, in its discretion, consider any correspondence as an initiatory pleading and proceed accordingly.

(e) Written communications are considered to be officially received when delivered to the commission's office or received electronically through the commission's electronic filing systems. A commissioner, or an employee designated by the commission, may also receive written communications under conditions prescribed by the commission.

(f) Correspondence signed by an individual staff member or commissioner does not state an official determination by the commission unless the signature is preceded by the recital "By Direction of the Commission." The presence of this recital constitutes presumptive evidence that the signatory has been delegated specific authority to state the commission's official action in the particular matter. Staff correspondence containing routine interpretations regarding tariffs, accounting, or any other matter under a general delegation of authority will not contain the above recital but will, instead, state that the

staff interpretation is subject to direct appeal to the commission by application, petition, or motion.

(g) A commissioner, presiding officer, or commission staff member may not, except upon reasonable notice and opportunity for all parties to participate, communicate with a party, and other affected persons, about any issue of fact, law, or policy in a pending adjudicatory proceeding.

(h) Communications not prohibited by (g) of this section include communications

(1) to discuss scheduling or procedural matters;

(2) between the presiding officer and parties, designed to produce a settlement; with the consent of all parties, the presiding officer may continue to preside in the same proceeding;

(3) between a regulated entity and the commission staff in a preliminary investigation of a tariff filing before suspension under AS 42.05.421;

(4) between the commission staff and an applicant for certification, registration, or another ruling by the commission, if the applicant is the only party to a proceeding; or

(5) during a scheduled meeting between commissioners or commission staff members and a regulated entity to discuss utility and pipeline projects, industry trends, technology, and developments, if those persons do not discuss an issue in a pending adjudicatory proceeding; within two business days after that meeting, a commissioner or commission staff member involved in the communication shall submit, by electronic mail or in writing to the commission staff member who supervises the commission's records and filings section, a statement that includes the following information:

(A) to the extent known, the names and addresses of the persons involved in the scheduled meeting;

(B) the date and time of the scheduled meeting, its duration, and the means and circumstances under which it was made;

(C) a summary of matters discussed.

(i) If a person makes or attempts to make an ex parte communication prohibited by (g) of this section, the commissioner, presiding officer, or commission staff member shall advise the person that the communication is prohibited and shall immediately terminate the prohibited communication.

(j) If an ex parte communication prohibited by (g) of this section occurs, the commissioner, presiding officer, or commission staff member involved in the communication shall submit, within two business days after the prohibited ex parte communication occurs, and either by electronic mail or in writing to the commission staff member who supervises the commission's records and filings section and to all commissioners, a statement that includes the following information:

(1) the name and docket number of the proceeding;

(2) to the extent known, the name and address of the person making the communication and the relationship, if any, to the parties to the proceeding;

(3) the date and time of the communication, its duration, and the means by and circumstances under which it was made;

(4) a summary of the matters discussed;

(5) whether and how the person making the prohibited communication was advised that the communication was prohibited.

(k) Within two business days after receiving a statement under (j) of this section, the commission staff member who supervises the commission's records and filings section shall

(1) place the statement in the commission's public file; and

(2) serve a copy of the statement on the parties on the commission's official service list, within each relevant docket.

(l) The commission staff member who supervises the commission's records and filings section shall maintain a permanent file of any statement filed under (h), (j), and (k) of this section. That statement shall be noticed in the commission's incoming mail report, and the file of statements shall be made available for public inspection at the commission's office during regular business hours.

(m) In this section, "business day" means a day other than Saturday, Sunday, or a state holiday. (Eff. 1/13/73, Register 44; am 6/29/84, Register 90; am 4/24/2004, Register 170; am 4/20/2006, Register 178; am 2/16/2012, Register 201; am 11/6/2016, Register 220)

Authority: AS 42.05.141

AS 42.05.151

AS 42.06.140

**3 AAC 48.025. Format for filings.** (a) Except as provided in (e) of this section, all text in filings, including correspondence, tariff filings, pleadings, and letters, whether filed on paper or electronically under 3 AAC 48.095, must be legibly typewritten in a font not less than 11 point, or hand printed in black ink, and must be formatted for or printed on 8-½ inch by 11 inch paper. Pleadings and testimony must have left-hand margins not less than one and one-half inches, right-hand margins not less than one-half inch, and top and bottom margins not less than one inch. All other filings must have not less than one inch margins on all sides, except that spreadsheets, graphs, maps, and similar documents must have not less than one-half inch margins on all sides. Spreadsheets, graphs, maps, and similar documents may have a font less than 11 point if the font is legible.

(b) Original paper filings of more than one page must be fastened with a clip on the upper left-hand corner or wrapped with a rubber band. Stapled or bound original materials will not be accepted. For both paper and electronic filings, pages must be numbered at the bottom of each page in the form "page x of y," with the exception of tariff sheets and commission forms using an alternate page format. Copies may be stapled or bound.

(c) Filings formatted to print on paper larger than 8-½ inches by 11 inches may not be reduced before filing if doing so will make the substantive text, graphics, or photographic material illegible. Instead,

oversized paper filings must be folded to 8-½ inches by 11 inches before filing. Electronic filings containing documents that should be printed on oversized paper must identify those documents and the proper paper sizes necessary to print legible copies of the documents. If the oversized document is greater than 11 inches by 17 inches and is part of a filing that is to be made electronically, a placeholder page generally describing the oversized document must be inserted in the filing where the oversized document otherwise would be and must be filed with the commission under 3 AAC 48.090(b)(3) with a cover letter that includes the commission's docket or tariff advice number for the corresponding electronic filing, and the title, filed date, and page reference of the electronic filing to which the oversized filing pertains. An electronic filing with a placeholder page is not complete until the paper version of the oversized document is officially received under 3 AAC 48.090(a) by the commission. Oversized documents must have not less than one-half inch margins on all sides and must be legible.

(d) Filings that are formatted to include distinct divisions, whether filed on paper or electronically in accordance with 3 AAC 48.095, must identify those divisions by a cover page inserted at the beginning of the division indicating the name or title of each division. The name or title must be roughly centered on the page and be exclusive of all other information.

(e) The requirements of (a) of this section do not apply to filings submitted under (c) of this section, 3 AAC 48.100(k), or 3 AAC 48.330, or to filings using commission forms that require a different format. However, any submission must be legible and otherwise comply with this section.

(f) The commission will not accept a filing that fails to meet the requirements of this section. (Eff. 2/16/2012, Register 201; am 11/6/2016, Register 220)

**Authority:** AS 42.05.141

AS 42.05.151

AS 42.06.140

**3 AAC 48.040. Confidential records.** (a) Except as provided in (b) of this section, the records in the possession of the commission or its advisory staff are open to inspection by the public during regular office hours.

(b) The following records are confidential and are not open to inspection by the public unless they are released under 3 AAC 48.049 or court order or their release is authorized by the person with confidentiality interests:

(1) bids for contracted services received in response to an invitation to bid issued by the commission until after the notice of intent to award a contract is given by the commission;

(2) communications relating to personnel matters and medical or other personal information that, under governing personnel practices and the laws of the state, are not public information;



(3) records filed with the commission that are confidential under AS 42.06.445(c);

(4) records classified as confidential under a protective order of the commission or the court;

(5) records designated as confidential by written agreement among the parties to adjudicatory matters before the commission for the purpose of conducting discovery;

(6) communications, regarding confidential legal advice or assistance, between legal counsel for the commission and the commission, its advisory staff, or its consultants, and documents prepared by or at the direction of legal counsel that contain investigative conclusions or are created for litigation or adjudicatory matters involving the commission;

(7) preliminary records relating to an investigation by the commission until the investigation is complete or formal proceedings have been initiated by the commission;

(8) records of deliberations on adjudicatory matters before the commission;

(9) notes, drafts, and analyses used to aid the commission in the preparation of any order or finding on adjudicatory matters;

(10) records of a regulated public utility, pipeline carrier, or pipeline submitted to or copied by the commission's advisory staff during any audit, review, or investigation in connection with any formal or informal proceeding;

(11) records classified as confidential in accordance with 3 AAC 48.045.

(12) financial records filed in support of an application for a certificate of public convenience and necessity to provide local exchange telecommunication services in a competitive local exchange market. (Eff. 1/13/73, Register 44; am 6/29/84, Register 90; am 7/12/92, Register 123; am 3/21/2003, Register 165; am 4/20/2006, Register 178; am 3/25/2017, Register 221)

<b>Authority:</b>	AS 40.25.110	AS 42.05.151	AS 42.06.140
	AS 40.25.120	AS 42.05.671	AS 42.06.445
	AS 42.05.141		

**3 AAC 48.060. Formal and informal procedures and files.**

(a) The commission shall maintain separate files for all formal proceedings, assign a docket number and an appropriate caption to each formal proceeding and maintain a docket book. The docket pages for each proceeding shall contain

(1) the assigned docket number and caption of the proceeding;

(2) the date the proceeding was instituted;

(3) the general nature, filing party and date of each order, filing and submittal;

(4) the name of the court, and number assigned by the court to any order that is appealed;

(5) a cross-reference showing the order book and page where the original copy of each order is filed.

(b) A separate series of docket numbers will be used for each calendar year. Each series will begin with a capital letter "U" for utility proceedings, "P" for pipeline proceedings, "R" for rulemaking proceedings, or "I" for informational proceedings, followed by a dash, the year designated by the last two numbers of the year, another dash, and then a number starting with the number "001" for the first formal proceeding and ending with the sequential number for the last proceeding docketed in a calendar year. For the year 2012, for example, the first proceeding that is docketed will be assigned Docket No. U-12-001 if it is a utility proceeding, or P-12-001 if it is a pipeline proceeding and the last one, if there is a total of 75, would be in Docket No. U-12-075 if it is a utility proceeding or P-12-075 if it is a pipeline proceeding.

(c) The caption originally assigned to a proceeding by the commission shall not be changed in any way except by formal order and shall be used by the commission and all parties to the proceeding unless and until it is revised by order of the commission. All pleadings shall contain the officially assigned caption and the docket number shall be placed to the right of the caption, the same as in commission orders.

(d) The commission shall maintain a separate and complete file for each formal proceeding containing the original copy of each filing together with the hearing transcript, if any, and all other material relating to the proceeding.

(e) Whether issued by the commission or by an administrative law judge, and whether issued electronically or on paper, orders in each proceeding will be designated numerically in the sequence in which they are issued. An errata to an order will be designated by the associated order number and the suffix letter "E."

(f) Informal complaints will be kept in a separate file and will be numbered in the same general manner described in (b) of this section, except that the capital letter "C" will be used for utilities and pipeline carriers instead of the capital letters "U" and "P."

(g) If an informal complaint is not resolved by informal action, the complainant may request the commission to take formal action. If the commission institutes a formal proceeding, the entire informal file shall be transferred to the file of the formal proceeding and become a part of the correspondence pertaining to the formal proceeding. The informal file shall not become a part of the record of the formal proceeding, however, unless and until the informal file is admitted into evidence in a hearing in the formal proceeding.

(h) The commission will establish and maintain a separate set of files containing a copy of every special contract and the complete effective tariff of every utility and pipeline carrier together with every advice letter and all associated correspondence.

(i) If a tariff filing is suspended, in whole or in part, during the statutory period of notice to the commission and the public, one copy of

the filing will be transferred to the formal proceeding file in which the commission's suspension order was entered, together with a copy of the advice letter and all unprivileged material relating to the filing. Pending hearing on a suspended filing, the commission may issue an order instituting an investigation, naming parties, or establishing schedules, or may issue other orders it considers appropriate. Each order relating to a suspended tariff filing will be entered in the same proceeding as the one in which the suspension order was entered.

(j) Applications for water and wastewater provisional certifications will be kept in a separate set of files and will be numbered in the same general manner described in (b) of this section, except that the capital letter "W" will be used instead of the capital letter "U" or "P."

(k) Intrastate interexchange registrations will be kept in a separate set of files and will be numbered in the same general manner described in (b) of this section, except that the capital letters "RX" will be used instead of the capital letter "U" or "P."

(l) The commission will maintain a separate and complete file for each water and wastewater provisional certification proceeding and each intrastate interexchange registration proceeding, containing the original copy of each filing and all other material related to the proceeding. (Eff. 1/13/73, Register 44; am 6/29/84, Register 90; am 3/21/2003, Register 165; am 2/16/2012, Register 201; am 11/6/2016, Register 220)

<b>Authority:</b> AS 42.05.141	AS 42.05.201	AS 42.06.140
AS 42.05.151	AS 42.05.361	AS 42.06.400

**3 AAC 48.090. Filing, service, amendment and disposition of pleadings.** (a) A document is considered filed with the commission on the date it is officially received by the commission. If a party has the right, or is required, to perform some act within a prescribed period after notice or a pleading is served on that party, and the notice or pleading is served by United States mail or a similar delivery service, by hand, or by electronic means, the prescribed period begins the day after the date of certification of service. In computing any period of time prescribed or allowed by rule, order, or statute, the day of the act, event, or default after which the designated period of time begins to run is not included, in accordance with AS 01.10.080. If the last day of the period so computed is a Saturday, Sunday, or state legal holiday, the period runs until the end of the commission's next regular business day. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and state legal holidays are excluded in the computation. A filing, whether filed on paper or electronically, that the commission receives on a Saturday, Sunday, or state legal holiday, or that the commission receives after 5:00 p.m. on a business day, will be treated as officially received the next business day. The commission will not accept a filing unless the commission receives it free of any delivery charge or claim. In a specific proceeding,

the commission may set a deadline that modifies when a filing will be accepted.

(b) Unless otherwise directed by the commission, service of pleadings, orders, and other documents is valid and complete if made in accordance with this subsection, as follows:

(1) except as provided in (3) of this subsection, service is completed by

(A) the commission when it

(i) issues an order by hand, by United States mail or a similar delivery service, or by electronic means to the parties of record; or

(ii) publishes an order in an informational or regulations proceeding on the commission's website;

(B) a party when the party files electronically with the commission through the commission's website in accordance with 3 AAC 48.095 and the party successfully sends notification and a copy of the filing by electronic mail to the other parties, or to their attorneys of record or other authorized representatives;

(C) a party when the party files with the commission on paper in accordance with (3) of this subsection and the party serves notification and its filing to other parties, or their attorney of records or other authorized representatives by hand or by United States mail or a similar delivery service;

(2) a party with electronic mail shall provide the commission and other parties with the party's electronic mail address; a party shall make and accept service electronically, instead of by paper copies, in docketed proceedings; compliance with this requirement is achieved by including the electronic mail address within the signature block of submitted pleadings in accordance with 3 AAC 48.095(h) or within the letterhead or signature block of other correspondence; concurrent with the party's first filing in the proceeding, a party that is technologically unable to send or receive electronic documents in accordance with this subsection shall indicate in the signature block "no electronic mail address"; parties shall serve other parties electronically as follows:

(A) the sending party shall use electronic mail to complete service to all other parties in docketed proceedings; a sending party may not substitute paper service for electronic service on another party, unless both parties agree to be served in this manner;

(B) parties are responsible for coordinating with each other regarding proper electronic mail addresses, file size limitations, filters, and other technical matters that might affect electronic service; unless the parties agree otherwise, an electronic mailing, including its attachments, may not exceed 10 megabytes; a sending party may divide service into multiple electronic mailings to accommodate electronic mailbox size restrictions, if each electronic mailing clearly identifies the division;

(C) electronic service to another party may be completed either by providing the files as attachments to an electronic mailing or by including hyperlinks to the files in an electronic mailing; submissions to the commission may not include hyperlinks;

(3) A party filing oversized documents or filing confidential materials on paper to the commission must provide electronic service of those documents to other parties in docketed proceedings, in accordance with (2) of this subsection, unless the sending and receiving party agree to alternative means of service;

(A) an original and, if possible, a compact disc containing the file formats approved by the commission in accordance with 3 AAC 48.095(d) — (f) and containing the filing made to the commission; the party shall clearly label the compact disc with the party's name, docket number, type of pleading, date of submission, and file names; the party shall also provide signed verification that the documents contained on the compact disc are an exact replica of the documents filed with the commission in accordance with this section;

(B) five copies of each document to the commission, with one additional copy for each additional docket if the matter is a consolidated proceeding; documents exceeding 11 inches by 17 inches and filed under 3 AAC 48.025(c) are not subject to this subparagraph; however, the party shall supplement the party's filing with additional copies if requested to do so by the commission after filing; and

(C) one copy to each other party's attorney of record or other authorized representative, or to the other party if the other party is unrepresented; a party filing oversized documents or filing confidential materials on paper to the commission must provide electronic service of those documents to other parties in docketed proceedings, in accordance with (2) of this subsection, unless the sending and receiving party agree to alternative means of service;

(4) a sending party may substitute electronic service for paper service of confidential material on another party, if both parties agree to be served in this manner;

(5) service between parties under this subsection must be completed no later than 5:00 p.m., absent agreement of the parties.

(c) Pleadings shall be liberally construed and any defect that does not substantially affect the rights of the parties will, in the commission's discretion, be disregarded. Subject to any conditions it may impose, the commission may allow a pleading to be amended, withdrawn, corrected, supplemented or to be made orally with written notice to any other party. Pleadings that are considered grossly defective may, in the commission's discretion, be disregarded or rejected and returned to the pleading party together with an explanation, in writing, of the reason for the action taken.

(d) At any stage of the proceeding, prior to entry of a commission's final order

(1) an application or petition may be withdrawn without order of the commission by filing a notice of withdrawal;

(2) the proceeding may be terminated by filing a stipulation agreed to by all parties of record provided the commission does not find that the public interest requires the proceeding to be continued;

(3) a party shall promptly file an amendment to any pleading explaining any changed facts or circumstances if, after the date of the original pleading, there is a significant change in the information required to be shown in pleadings by 3 AAC 48.010 — 3 AAC 48.170 or in regard to any other relevant matter; or

(4) the commission may, for reasons stated in its order, terminate a proceeding at the request of an interested party or on its own motion.

(e) Repealed 6/29/84.

(f) If a pleading is filed with the commission setting out a violation or omission by any party, the respondent has the right to satisfy or answer the complaint according to the following:

(1) Any party against whom such a pleading is directed who wishes to defend or contest it, or to make any representation to the commission in connection with it, shall file with the commission and serve on the petitioner and all parties, a written answer to the pleading within 20 days after service of the pleading upon that party, unless for good cause, the commission extends or shortens the time within which answers may be made. Answers must be so drawn as to inform the commission and all parties of record fully and completely as to the nature of the answer, and must specifically admit or deny in detail all material allegations of the pleading against which the answer is directed. Matters alleged by way of cross-complaint or affirmative defense must be separately stated and numbered. The commission will, in its discretion, order a respondent to file an answer if it considers that action necessary. If a party fails to answer within the time specified in this paragraph, the party is considered to have denied generally the allegation of the complaint or petition and is precluded, except with the consent of opposing parties and the commission, from setting up an affirmative defense in the proceeding; the commission will proceed with the matter solely upon the issues set out in the complaint or petition. Answers are not required in a rate proceeding initiated as a result of a tariff filing.

(2) A party may amend its pleading once, as a matter of course, at any time before a responsive pleading is served. If the pleading is one to which no responsive pleading is permitted and the action has not been placed upon the hearing calendar, the party may so amend it at any time within 20 days after it is served. Otherwise a party may amend its pleading only by permission of the commission. A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within 10 days after service of the amended pleading, whichever period may be the longer, unless the commission otherwise orders.

(g) A party desiring to reply to an answer shall serve the commission within 20 days after service of the answer.

(h) If the commission so orders in any proceeding, any application, petition, complaint, motion, or other document designated by the commission shall be served by the party that submitted the filing on all persons whom the commission determines may be affected by the proceeding. After a proceeding has been instituted, each answer, motion, or other document subsequently filed by any party must be served on all attorneys and parties of record concurrently with the filing of that document with the commission together with proof of service.

(i) Whenever, by rule or order, an act is required or allowed to be performed on or before a specified date, the commission, for cause shown, may

(1) on its own initiative or pursuant to motion and with or without notice, order the period extended if the order is issued prior to the date originally specified; or

(2) pursuant to motion, with notice given after the expiration of the specified period, permit the act to be performed provided the failure to act was the result of excusable neglect or oversight, but a permission thus granted shall not relieve a party from complying with additional requirements the commission may specify for obtaining relief from a particular failure.

(j) A formal proceeding shall not be terminated without issuing at least one order containing the commission's findings, conclusions and decision. If final order of the commission is reconsidered or subject to judicial review, the proceeding shall be reopened under the same docket number until the issues being reconsidered or reviewed have been resolved and no further action by the commission is required. (Eff. 1/13/73, Register 44; am 6/29/84, Register 90; am 8/6/92, Register 123; am 5/5/2000, Register 154; am 2/16/2012, Register 201; am 11/6/2016, Register 220)

Authority: AS 42.04.080                      AS 42.05.151                      AS 42.06.140  
                   AS 42.05.141                      AS 42.06.055

**3 AAC 48.091. Motions.** (a) A motion or related filing must comply with the filing, service, and general pleading requirements of 3 AAC 48.090 — 3 AAC 48.100. A motion, any opposition to, or support for, the motion, and any reply must contain a complete written statement of the reasons in support of the pleading including the points and authorities upon which the party will rely. A party may not file a supporting memorandum as a separate document from the party's corresponding motion, opposition, or reply.

(b) With a motion, the moving party shall file a legible copy of each photograph, affidavit, and other documentary evidence that the party intends to submit in support of the motion.

(c) Unless otherwise ordered by the commission, or otherwise stip-

ulated to by the parties with commission approval, a party opposing or supporting a motion shall, no later than 10 days after service of the motion upon that party, file the complete written statement of reasons in support of the pleading as required under (a) of this section and a legible copy of each photograph, affidavit, and other documentary evidence upon which the party intends to rely.

(d) Notwithstanding the time specified in (c) of this section, the time for filings related to a motion to dismiss, a motion for summary disposition, or any other dispositive motion is 15 days.

(e) The movant may file a reply that complies with (a) of this section and supplemental material, if any, no later than three business days after the date of service of the opposition to or support for the motion. These filings are subject to the requirements of (a) and (b) of this section.

(f) The commission will not consider a written motion before an opposing party has a reasonable opportunity to respond, unless it clearly appears from the specific facts in the motion or commission records that immediate and irreparable injury, loss, or damage would result to the moving party before any reasonable opportunity to respond could be given.

(g) In a separate motion, a party may move for expedited consideration of its principal motion by requesting relief in less time than would normally be required for the commission to issue a decision. If the party files electronically under 3 AAC 48.095, the party shall also use the commission's website features to indicate that the filing includes a motion for expedited consideration, if the motion is required to be submitted with the filing. A failure to properly indicate that the filing includes a motion for expedited consideration may delay commission review of the request. Courtesy copies of an electronically filed motion, regardless of when or how they are received by the commission, will not be considered part of the official record of the proceeding, and the commission will not base a timeline upon their receipt. The motion must

- (1) be captioned "Motion for Expedited Consideration";
- (2) comply with other applicable provisions of this section;
- (3) include an affidavit or other evidence showing the facts that justify expedited consideration and the date by which a decision on the principal motion is needed; and
- (4) if the motion requests a decision before the usual time for response to the motion, include a certificate indicating when and how the opposing party was served with the motion, or, if the opposing party was not notified, what efforts were made to notify the opposing party and why it was not practical to notify the opposing party in a manner and at a time that a response could be made; in the certificate, the moving party shall indicate the position of the other parties on the request for expedited consideration if that position is known by the party.



(h) The commission will not rule on a motion for expedited consideration before the opposing party is allowed a reasonable opportunity to respond, without compelling reasons for an expedited decision and a showing by the movant of reasonable efforts to timely notify the opposing party.

(i) A stipulation between parties may be submitted in support of a motion but is not binding on the commission.

(j) The filing of a frivolous or unnecessary motion or frivolous or unnecessary response to a motion that unduly delays the course of the proceeding, or the filing of any motion to dismiss or motion to strike for the purpose of delay if no reasonable ground appears for the filing, will subject the person filing that pleading to imposition of sanctions set out in 3 AAC 48.155(c) and 3 AAC 48.170.

(k) If additional pertinent authority comes to the attention of a party after the party's pleading made under this section has been filed but before a decision has been issued on the motion, the party shall promptly file notice of additional pertinent authority with the commission and all parties. In its filing, the party shall refer to the page of the pleading to which the authority pertains, but the filing may not contain argument or explanations. The other party may file a response. Any response must be made promptly and is limited in the same manner as described in this subsection.

(l) Notwithstanding the time specified in (c) of this section, the time to file in opposition to or in support of a motion under 3 AAC 48.141 — 3 AAC 48.145 concerning discovery is five business days unless the presiding officer establishes a different time for response. Notwithstanding the time specified in (e) of this section, the time to file a reply to a response to a motion 3 AAC 48.141 — 3 AAC 48.145 concerning discovery is two business days unless the presiding officer establishes a different time for reply. (Eff. 4/13/2000, Register 154; am 2/16/2012, Register 201; am 8/18/2013, Register 207; am 11/6/2016, Register 220)

**Authority:** AS 42.04.080  
AS 42.05.141

AS 42.05.151

AS 42.06.140

**3 AAC 48.095. Electronic filing requirements.** (a) Unless otherwise specified by order or another applicable provision of this chapter, all filings submitted to the commission, with the exception of regulatory cost charge reports, may be filed electronically or on paper. Reports submitted in accordance with 3 AAC 47.050(b) or 3 AAC 47.060 shall be filed electronically, unless waived in accordance with (l) of this section or otherwise specified by order. Parties and their representatives participating in docket proceedings before the commission shall serve and accept service electronically in accordance with 3 AAC 48.090(b). An electronic filing with the commission must be made through the commission's electronic filing systems using the commission's website. Public comments may be filed either electronically, including by electronic mail, or on paper. Additional copies of an

electronic filing, in any form, are not required, and may be deleted or destroyed by the commission. Electronic mail may be submitted to facilitate the commission staff's work, if requested by the staff or the commission.

(b) Upon request, the commission may issue a user name and password to a person that seeks to file and accept service electronically through the commission's electronic filing systems using the commission's website. Use of the commission's electronic filing systems is subject to the following:

(1) the filer's use of a commission-issued user name and password constitutes the filer's verification that the filer has the requisite authority to make the filing on the filer's own behalf or on behalf of the entity that the filer purports to represent;

(2) if a filer believes that the security of an existing user name or password has been compromised, the filer shall notify the commission and, if possible, change the password immediately;

(3) the commission may revoke a filer's participation in electronic filing and cancel the filer's user name and password if the commission determines that the filer or whoever is using the user name and password is abusing electronic filing privileges;

(4) for purposes of (3) of this subsection, abuse of electronic filing privileges includes knowingly permitting unauthorized use of a user name or password or knowingly engaging in actions that interfere, or attempt to interfere, with the security of the commission's electronic filing systems, including the introduction of a virus or destructive programming into the electronic filing systems;

(5) the commission may authorize additional users associated with a utility, pipeline carrier, or other entity.

(c) An electronic filing may be rejected if it is not in compliance with this chapter or for other good cause. The commission may combine or separate files within a filing, or documents within a file, if necessary for administrative efficiency or organizational clarity. Multi-topic electronic filings may be rejected. An electronic filing will be rejected by letter or electronically, if the filing

(1) contains an excessive number of files;

(2) is excessively large;

(3) does not have an appropriate extension indicating the file type;

(4) is corrupt or otherwise cannot be successfully read or processed by the commission; or

(5) contains, in violation of 3 AAC 48.045(a), confidential information.

(d) When submitting an electronic filing containing supporting documents, the filer shall make one submission containing an individual file for each document. Each individual file must be named consistent with (g) of this section.

(e) An electronic filing submitted to the commission must be filed in portable document format (pdf), and must be text-searchable. A filer

shall provide an electronic filing in its native format, if requested to do so by the commission after filing. If possible, a filer shall convert a document from its native format into portable document format, rather than scan a paper copy. If a document is scanned into portable document format, the filer shall use the highest quality resolution available, and shall employ an optical character recognition (OCR) program so that copy and paste and keyword search functions may be used. A document may not be scanned in color, unless color is essential to understanding of the information, such as in certain kinds of graphs.

(f) An electronic filing may not be submitted with security settings that prevent printing, copying, and pasting of text from the files. The security settings on an electronic filing must allow the commission to apply its electronic date-received stamp to the files. A filing not meeting the requirements of this subsection will be rejected.

(g) An electronic file description and name must be as descriptive and concise as possible. The commission staff may change a file description or name if the change will assist staff processing of the file. The commission staff shall notify a filing entity, in writing, of any file description or file name changes.

(h) To verify an electronic filing by signature, a filer shall do the following:

(1) an electronic filing must include at least one signature block within the filing; the cover letter, application form, motion, or similar document within a filing must include, in the following format, a signature block or letterhead that includes the typewritten name, mailing address, telephone number, and electronic mail address of the signatory authorized to sign under 3 AAC 48.100(g) and 3 AAC 48.270(a):

Contact Name

Mailing Address

City, State, Zip Code

Phone: (xxx) xxx-xxxx

Fax: (xxx) xxx-xxxx

Electronic Mail Address: xxx@xxx.xxx;

(2) if the electronic filing is not based on a signed, scanned paper document, the filer shall apply an electronic signature to the electronic filing; if a filer does not have the requisite software to apply an electronic signature, the filer shall sign the signature line in the following manner: "/s/ (contact name)"; upon filing through the commission's website in accordance with an approved user identification and password, the electronic or typed signature is presumptively valid;

(3) a scanned filing must contain an original signature in ink, not an electronic signature or "/s/ (contact name)."

(i) A joint filing submitted on behalf of more than one party will be accepted electronically if

(1) the filing clearly indicates the parties on behalf of whom the filing is made; and

(2) each indicated party has applied the party's electronic or original signature, the filing party represents in the filing that the filing party is authorized to sign on behalf of the parties not signing on their own behalf, or any party not signing separately files a certificate of concurrence in accordance with (j) of this section; if a single person is authorized to file on behalf of more than one party, as indicated in a properly filed entry of appearance, a certificate of concurrence is not required from the represented parties.

(j) If a joint filing under (i) of this section is not signed by or on behalf of a party, that party shall file a certificate of concurrence no later than three business days after the commission has assigned a tracking number to the filing. The certificate must be filed in accordance with 3 AAC 48.090(b) and contain the following elements:

[Docket caption and number]

Certificate of Concurrence

[Party name] concurs with the filing [tracking number] made [date received by the commission] entitled [filing title/description].

/s/ [Contact Name]

Mailing Address

City, State, Zip Code

Phone: (xxx) xxx-xxxx

Fax: (xxx) xxx-xxxx

Electronic Mail Address: xxx@xxx.xxx;

(k) Service of filings in formal proceedings, as described in 3 AAC 48.070, must comply with 3 AAC 48.090(b).

(l) The following procedures and requirements apply to a waiver from the electronic filing requirements of this section:

(1) a person requesting a waiver from the requirements of this section must file an original and two copies of a pleading entitled "Request for Waiver of Electronic Filing Requirements"; the provisions of 3 AAC 48.091 do not apply to a request for waiver submitted under this section; the administrative law judge assigned to a docket or commission staff member assigned to review a report filed under 3 AAC 47.050(b) or 3 AAC 47.060 may reject a paper filing made without a pending waiver request, or proof of an existing waiver, if the filing was required to be submitted electronically;

(2) a request for a waiver of the electronic filing requirements for the duration of a docket or for a report filed under 3 AAC 47.050(b) or 3 AAC 47.060 may be granted if the requesting person

(A) does not own or have reasonable access to the electronic equipment and software necessary to make the electronic filing;

(B) does not have a broadband Internet access connection to make the electronic filing;

(C) would incur interexchange per-minute charges to make the electronic filing;

(D) lacks a scanner, and the scanner is necessary for the person to make the electronic filing; or

(E) provides an affidavit setting out the factual basis for why compliance is not reasonably possible or would lead to undue hardship;

(3) the requesting person must file with the commission and serve on all other parties the request for a waiver concurrently with the person's first filing in the docket proceeding; while the request for a waiver is pending, all other parties to the proceeding shall complete service in person upon the requesting person, or by United States mail or a similar delivery service;

(4) a party may not file an opposition to a request for a waiver;

(5) the commission or an administrative law judge may deny a request for a waiver for good cause; if no action is taken on a request for a waiver five business days or earlier after filing, the request for a waiver is granted;

(6) if, after receiving a waiver under this subsection, a person becomes able to send and receive electronic filings, the person shall notify the commission immediately; the waiver of the electronic filing requirements automatically terminates upon receipt by the commission of that notice;

(7) a waiver of electronic filing requirements applies to a party's participation in a specific docket proceeding or a specific report filed under 3 AAC 47.050(b) or 3 AAC 47.060 and continues for the duration of that docket or the specific report unless terminated under (6) of this subsection, or otherwise stated in a commission order.

(m) A certificate of service may not be filed as a separate filing, but may be either a separate file within the filing or contained within and at the end of the primary file. A certificate of service that includes service on a party by electronic means must be worded substantially as follows:

I hereby certify that on [date], a copy of [name of document] was served electronically on [names of parties served electronically, including electronic mail address used] by electronic means authorized by the commission, and on [name(s) and address(es) of parties served a paper version] by [method]. /s/ [person responsible for service].

(n) Material that is not available in electronic format and that cannot be converted to an electronic format acceptable to the commission must be filed on paper under 3 AAC 48.090(b). If material is filed on paper, the filer shall include a placeholder page at the appropriate place sequentially in the electronically filed document to which the material applies, with a conspicuous notation in the middle of the page in at least 14 point font: "(insert brief description) filed on paper only." An electronic filing with a placeholder page is not complete until the paper version of the omitted material is officially received under 3 AAC 48.090(a) by the commission.

(o) If a failure of the commission's electronic filing systems prevents a timely electronic filing, the filing shall be submitted by electronic

mail to the commission's records and filings department, or submitted on paper. If a filer cannot timely file due to a failure of the commission's electronic filing systems, the commission will accept the filing as timely filed, without the need for the filer to submit a motion to accept late filing. If a filer's system failure causes a late electronic filing, the filer shall include with that filing a motion to accept late filing. That motion may not exceed three pages.

(p) If a filer does not receive an electronic mail acknowledgement that the commission has received an electronic filing, the filer shall contact the commission to verify that the electronic filing has been received. (Eff. 2/16/2012, Register 201; am 11/6/2016, Register 220)

Authority: AS 42.05.141

AS 42.05.151

AS 42.06.140

**3 AAC 48.100. General requirements of filings.** (a) Pleadings before the commission shall be classified and designated as an application, complaint, cross-complaint, petition, protest, answer, reply or motion.

(b) In the order listed below, each pleading shall include

(1) the heading and caption (including the names of the parties and the docket number, if known);

(2) the allegations or statements of fact and law set forth in numbered paragraphs;

(3) the prayer or request of the party filing the pleading;

(4) the signature and execution of the pleading;

(5) the verification in compliance with applicable state law, including AS 09.63, when necessary; and

(6) the proof of service.

(c) Each pleading shall contain the heading "BEFORE THE REGULATORY COMMISSION OF ALASKA." The exact caption and docket number assigned by the commission, if known, shall be inserted immediately below the heading in every pleading filed after the date that the proceeding is docketed. This caption, when known, shall be followed by a brief description of the desired order, authorization, permission, or certificate, followed by a word designating the title of the document (e.g., the heading of a complaint shall designate the title of the document as a "COMPLAINT" and the heading of an answer shall set forth the title as "ANSWER"). The name of the party filing the pleading must be stated in the caption if the docket number is not known. Space must be left to the right of the caption for the insertion of the docket number by the commission in the event the pleading does not contain the docket number. The name of the complainant shall be followed by the word "COMPLAINANT"; the name of the respondent named in a complaint shall be followed by the word "RESPONDENT"; the name of an applicant shall be followed by the word "APPLICANT"; etc.

(d) The numbered paragraphs of each pleading shall contain

(1) correct citations to the law, rules, regulations or orders that govern the subject of the pleading;

(2) a complete and detailed statement of all facts and circumstances pertinent to the pleading, together with a correct reference to each appendix (designated as appendix "A," appendix "B," etc.) that is submitted in support of the pleading; and

(3) a statement as to the form of organization of the pleading party (e.g., private corporation, municipal corporation; incorporated borough, partnership, incorporated association, unincorporated association, joint-venture, individual, individual proprietorship, etc.) and, when applicable, the date of organization and the term or duration of the organization (e.g., 50 years, perpetual, etc.).

(e) The numbered paragraphs of a pleading shall be followed by the prayer which shall be a concise and complete statement of all relief sought by the pleader. The prayer should be brief, but should be complete to the end that an order granting the prayer would include all of the relief desired and requested by the pleader.

(f) The original of each pleading filed with the commission must be personally signed in ink, or in accordance with 3 AAC 48.095(h), by any one of the following:

(1) the party making the pleading or by each of the parties, if there is more than one party;

(2) an authorized official of the party;

(3) a co-partner of a partnership;

(4) an authorized officer or full-time employee of a corporation;

(5) an authorized bona fide officer or full-time employee of an unincorporated association; or

(6) the party's attorney or authorized representative.

(g) Beneath the signature of every attorney of record, party, or other person appearing on a filing, there must be typed, stamped, or printed the person's name and, for initial proceedings, the person's mailing address, telephone number, and, if applicable, attorney bar number and electronic mail address. The correct legal name of an unrepresented party, or the firm name of a party's representative, who signs the filing must appear above the signature of the person signing the filing on behalf of that entity. The first filing of a party, and only the first, must

(1) set out the address of the party and, if the party is a corporation, association, or other organized group, the state in which, and the law under which, it is organized; and

(2) state the name, title, mailing address, and, if applicable, electronic mail address of the person to whom correspondence and communications are to be addressed.

(h) Notices, orders, and pleadings may be served on the person designated for service under (g) of this section in accordance with 3 AAC 48.090(b).

(i) All balance sheets, income statements, journal entries, and other accounting exhibits, reports or statements shall conform to the applicable uniform system of accounts prescribed by the commission.

(j) Pleadings must be legible. Handwritten pleadings may be single-spaced, but the text of pleadings that are typewritten must be double-spaced except for quotations, which must be single-spaced and may be indented. Any process of reproduction may be used, if every copy is clear and permanently legible. The first time that a person's name is mentioned in the body of a pleading, it must be stated accurately and completely. For example, if a corporation's legal name is "The ABC Corporation," it may not be designated as "ABC Corp." But if the pleading party wishes, for any reason, to abbreviate a name used repeatedly in a pleading, the abbreviation must be set out in parentheses immediately following the first time that the name is spelled out in full.

(k) The type and size requirements in 3 AAC 48.025 do not apply to an exhibit submitted as part of prefiled testimony under 3 AAC 48.153 or introduced at hearing under 3 AAC 48.154. However, the exhibit must be legible, and the exhibit must be folded to conform in size to 8-½ inches by 11 inches. Service must be completed under 3 AAC 48.090(b).

(l) A copy of each pleading in a proceeding shall be served by the filing party on every other party to the proceeding together with proof of service, under 3 AAC 48.090(b). The commission will serve its orders and notices in accordance with 3 AAC 48.090(b)(1)(A). The commission will post its orders on its website.

(m) An affidavit must be signed and notarized in ink. Unless otherwise ordered, the commission will not accept an electronic signature by an affiant or the affiant's notary on an affidavit filed under 3 AAC 48.095. However, the document may be scanned and submitted electronically after original signatures are applied. The filer shall retain the original notarized affidavit for inspection for the duration of the proceeding, including any appeals. (Eff. 1/13/73, Register 44; am 6/29/84, Register 90; am 8/6/92, Register 123; am 4/24/2004, Register 170; am 2/16/2012, Register 201; am 11/6/2016, Register 220)

Authority: AS 42.05.141  
AS 42.05.151

AS 42.05.451

AS 42.06.140

**3 AAC 48.142. Service of discovery.** Discovery requests and responses to discovery requests must be served electronically as provided in 3 AAC 48.090(b)(2), (4), and (5), unless electronic filing has been waived under 3 AAC 48.095(l) or the sending and receiving party agree to alternative means of service. If electronic filing has been waived the parties shall determine how discovery is served. Responses to discovery requests may be shared among the parties by other means, if all parties agree. If the parties cannot agree on how discovery is served, the presiding officer will determine how discovery is served. Discovery requests and responses to discovery requests are not filed with the commission when served. (Eff. 8/18/2013, Register 207; am 11/6/2016, Register 220)



Authority: AS 42.05.141 AS 42.05.671 AS 42.06.445  
 AS 42.05.151 AS 42.06.140

**3 AAC 48.182. Notice of public meetings.** (a) Reasonable public notice will be given by the commission as provided in this section for all public meetings of the commission.

(b) Notice of a regular or special public meeting may be published by the commission in a newspaper of general circulation in the area where the meeting will be held and teleconferenced. Notice will be posted at the commission's offices and may be posted on the commission's website. Notice of a regular and special meeting will include the date, time, and place of the meeting; general topics to be discussed or considered; and the location of any teleconferencing facilities that will be used.

(c) Notice of an emergency public meeting may be published by the commission as provided for under (b) of this section if the commission determines that sufficient time is available. Otherwise, notice of an emergency public meeting will be posted by the commission on the public notice board at the commission's offices and may be posted on the commission's website. Notice of an emergency public meeting will include the date, time, and place of the meeting; general topics to be discussed or considered; and location of any teleconferencing facilities that will be used. Reasonable attempts will be made in writing or by telephone by the commission to provide notice to known interested persons on the topics scheduled for the emergency public meeting.

(d) Repealed 11/6/2016. (Eff. 6/27/92, Register 122; am 11/6/2016, Register 220)

Authority: AS 42.05.141 AS 42.06.140 AS 44.62.310  
 AS 42.05.151

**3 AAC 48.183. Public meeting agendas.** (a) In addition to the notice provisions of 3 AAC 48.182 for public meetings of the commission, an agenda of each public meeting of the commission will be printed and available for public inspection and copying at the commission's offices and may be posted on the commission's website.

(b) The commission may post on its website or deliver by hand, by United States mail or a similar delivery service, or by electronic mail a copy of an agenda to each known participant in a proceeding listed on the agenda.

(c) A copy of an agenda of each regular public meeting and of each special public meeting will be available and may be mailed by the commission or posted on the commission's website at least one week before the scheduled date of the meeting.

(d) A copy of an agenda of an emergency meeting may be mailed by the commission or posted on the commission's website as soon as the agenda is available, but by no later than one week after the scheduled date of the emergency meeting.

(e) Repealed 11/6/2016. (Eff. 6/27/92, Register 122; am 2/16/2012, Register 201; am 11/6/2016, Register 220)

Authority: AS 42.05.141

AS 42.05.151

AS 42.06.140

## Article 2. Utility and Pipeline Tariffs.

### Section

220. Filing of tariff  
240. Delivery of tariff  
270. Advice letters

### Section

275. Supporting information  
280. Notice and effective date  
290. Response to notice

**3 AAC 48.220. Filing of tariff.** (a) Each utility tariff filing must be on file with the commission at least 45 days before the tariff 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. Each initial pipeline tariff filing must be on file with the commission at least 90 days before it may become effective unless the commission, by order, authorizes the filing to become effective in less than 90 days from the date of delivery. Each revised pipeline tariff must be on file with the commission at least 30 days before the tariff may take effect unless the commission, by order, authorizes the filing to take effect in less than 30 days after the date of filing. Each filing must be transmitted to the commission by means of consecutively numbered letters designated as "Tariff Advice Letter No. 1, 2, 3, etc." Every advice letter must contain the applicable information set out in 3 AAC 48.270, unless another commission regulation provides otherwise. If a utility or pipeline carrier desires an effective date before the end of the statutory notice period for a filing, the utility or pipeline carrier shall request an earlier effective date and set out the reasons in the tariff advice letter. The utility or pipeline carrier shall attach rate studies or supply other information pertinent to the filing. If interim approval of a tariff filing is sought, that request must also be set out in the tariff advice letter.

(b) The commission will retain the original and one copy of every contract or other tariff filing, and will return one copy to the utility or the pipeline carrier after the effective date of the filing and the date of receipt by the commission have been stamped on it.

(c) 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 subsection does not apply to 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, and service agreements which merely recite the provisions of a utility's filed tariff.

(d) 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.

(e) Every tariff on file with and approved by 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.

(f) Within 120 days after the effective date of this subsection, each pipeline carrier shall file tariff sheets in accordance with 3 AAC 48.200 — 3 AAC 48.430 covering every rate, charge, rule, regulation, or condition of service then being applied by the carrier.

(g) If the parties to a special contract filed with and approved by the commission cancel that contract, the utility 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 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)

<b>Authority:</b>	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 48.240. Delivery of tariff.** (a) 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. No tariff or tariff revision filed by a utility or pipeline carrier will be accepted for filing unless it is received by the commission free of all delivery charges or claims no later than 5:00 p.m. of a regular business day. Unless otherwise directed by the commission, a public utility or pipeline carrier filing on paper shall submit an original and five copies of each tariff advice filing.

(b) A tariff is not considered to have been delivered until the commission receives reimbursement for any delivery charges. The proposed effective date must be clearly indicated by the utility or pipeline carrier in the tariff advice letter. The commission will enter the effective date on each tariff sheet. A tariff filing will be rejected if the proposed effective date is more than 90 days after the date it is delivered 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.

(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 on the commission's next regular business day. The day after the received 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. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 11/6/2016, Register 220)

<b>Authority:</b>	AS 42.05.141	AS 42.05.411	AS 42.06.350
	AS 42.05.151	AS 42.06.140	AS 42.06.390
	AS 42.05.361		

**3 AAC 48.270. Advice letters.** (a) 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. Advice letters may be on either letterhead or plain paper, but must be eight and one-half inches by 11 inches, must contain the exact legal name, return address, and, if applicable, electronic mail address of the filing utility or pipeline carrier, and must be in substantially the following form:

Tariff Advice Letter No. ....	
(Date; also return	
address if not shown	Regulatory Commission of Alaska
on letterhead.)	(Anchorage, Alaska office address)

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 AAC 48.430. (List here the tariff sheets that are being filed, substantially in the form shown below.)

Tariff Sheet Number	Cancel Sheet Number	Schedule or
Original Revised	Original Revised	Rule Number

(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.

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.

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." 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)

(b) Tariff sheets filed to comply with a commission order must bear the following notation to the left of the word "Effective": "Issued to comply with Order No. \_\_\_\_\_ of the Regulatory Commission of Alaska in Docket No. \_\_\_\_\_ — \_\_\_\_\_ — \_\_\_\_\_, dated \_\_\_\_\_." (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)

<b>Authority:</b>	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 48.275. Supporting information.** (a) Except as provided in (b) of this section, each filing with the commission of a permanent or interim tariff revision that involves a change in rates to the customers of a utility or shippers of a pipeline carrier must include the following supporting information in the following order:

- (1) a comparative statement of assets, liabilities, and other credits

as of the end of each of the two calendar or fiscal years preceding the date of filing;

(2) a comparative statement of income and operating expenses as of the end of each of the two calendar or fiscal years preceding the date of filing;

(3) a comparative statement of changes in the utility's or pipeline carrier's equity position to include fluctuations in capital stock, retained earnings, owner's equity, or fund balances for each of the two calendar or fiscal years preceding the date of filing;

(4) a schedule showing the amount of the proposed rate change, both in absolute dollars and as a percentage increase or decrease, applied to the most recent approved permanent tariff rates and charges for each customer or service classification;

(5) a schedule showing the computations of revenue requirement, and revenue deficiency or surplus, in both absolute dollars and as a percentage of revenues, for the normalized test-year;

(6) a schedule showing test-year operating revenues and expenses, pro forma adjustments, and the resulting normalized test-year operating revenues and expenses;

(7) a schedule showing the computation of and a narrative explanation for any pro forma adjustments to the test-year results of operations;

(8) a schedule showing the computation of the pro forma provision for income taxes for the normalized test-year;

(9) a schedule showing the computation of rate base using a 13-month average (the arithmetic sum of the beginning of each month net balance for the 12-month test period, plus the balance at the end of the twelfth month of the test period, divided by 13) of all rate-base components except cash working capital allowance, and using any other rate-base theory the utility or pipeline carrier considers appropriate and supportable;

(10) a summary of utility, or pipeline, plant and depreciation for each of the two calendar or fiscal years preceding the date of filing, showing plant in service; depreciation expense for each plant account; depreciation method; asset life; and net salvage used for computing that depreciation expense and the end-of-year balance of each plant account and the related account for accumulated depreciation;

(11) a schedule showing the pro forma cash working capital requirement based on the normalized test-year;

(12) a schedule showing the computation of weighted cost of capital, separately delineating the percentage amount and embedded cost of debt, and the percentage amount and rate of return on equity, together with a schedule showing the resultant returns on each of the rate bases computed in (9) of this subsection;

(13) a schedule showing all liabilities of longterm debt for each of the two calendar or fiscal years preceding the filing, including a

description of each obligation; nominal date of issue; date of maturity; authorized face amount; and the computation of the embedded cost of debt used in (12) of this subsection;

(14) as provided for under 3 AAC 48.153, prefiled direct testimony in support of the information filed under this subsection, together with a list of the witnesses filing testimony;

(15) for a pipeline carrier seeking to collect in rates money to cover costs to dismantle or remove a pipeline facility or restore a right-of-way,

(A) any document imposing an obligation to dismantle or remove a pipeline facility or restore a right-of-way;

(B) a detailed study supporting the total estimated cost to dismantle and remove the pipeline facility and restore the right-of-way;

(C) a schedule of the cumulative balance to date of any fund for the dismantlement or removal of a pipeline facility or the restoration of a right-of-way; the schedule must provide details since inception of the pipeline of annual revenue, expenditures, and earnings;

(D) a schedule showing the effect of income taxes, if any, on the cumulative balance to date of any fund for the dismantlement or removal of a pipeline facility or the restoration of a right-of-way;

(E) an explanation of how the existing or proposed fund for the dismantlement or removal of a pipeline facility or the restoration of a right-of-way will be managed; and

(F) a statement identifying any component of the rate-base computation associated with the dismantlement or removal of a pipeline facility or the restoration of a right-of-way;

(16) for a pipeline carrier that has performed dismantlement or removal of a pipeline facility or the restoration of a right-of-way during the test year, a schedule showing any adjustments pertaining to the costs of the dismantlement or removal of the pipeline facility or the restoration of the right-of-way included in the schedule submitted in accordance with (5) of this subsection.

(b) Unless otherwise ordered by the commission, (a) of this section does not apply to the following charges and periodic rates, provided cost justification is included with the tariff filings:

(1) charges for connections, reconnections, installations, bad checks, late payments, line extensions, meter testing, special services of a non-utility nature, special equipment (one-time charges), moves and changes, directory listings, or maintaining records;

(2) changes in customer deposit requirements, cooperative association membership fees, payments instead of assessments, or contributions or advances in aid of construction;

(3) initial connection or installation charges and initial, inception, or periodic rates established for new equipment or a new service added to the tariff of a utility or pipeline carrier.

(c) If the information required by (a)(1), (2), (3) and (4) of this section is not available for the entire calendar or fiscal year immediately preceding the tariff filing, the utility shall file the available information for that year and indicate the date the entire information for that year will be filed with the commission.

(d) — (f) Repealed 6/29/84.

(g) Each account referred to in any item required to be filed by (a) of this section shall refer to the proper account number of the applicable Uniform System of Accounts.

(h) In addition to any other supporting studies required by this chapter, if a proposed tariff revision includes a rate redesign, other than an across-the-board increase, a cost-of-service study and a narrative explaining the methodology used in the study must be submitted.

(i) If the rates for public utility or pipeline carrier services submitted as a part of a tariff filed with an application for transfer of a certificate of public convenience and necessity, or for transfer of a controlling interest in a certificated public utility or pipeline carrier, under AS 42.05.281 or AS 42.06.305 and 3 AAC 48.640(a)(3) and (4), differ from those of the transferor, the applicant shall file supporting financial information required by (a) of this section.

(j) The commission advisory staff, within its resources as provided for in 3 AAC 48.157(b), shall analyze the reasonableness and propriety of a utility's or pipeline carrier's filing, including its accuracy, representativeness, methodology, and conformance with law.

(k) Subsection (a) of this section does not apply to filings for the development and support of access charges. A filing for the development and support of access charges must be in accordance with the Alaska Intrastate Interexchange Access Charge Manual, adopted by reference in 3 AAC 48.440.

(l) A pipeline carrier with simplified pipeline tariff rates filed under 3 AAC 48.450 — 3 AAC 48.490 may file revised rates, along with a statement specifying the simplified tariff rates subject to revision, under this section if

(1) property balances filed in support of the revised rates are based on current plant property, additions, retirements, and accumulated depreciation consistent with the pipeline carrier's previous filings under 3 AAC 48.450 — 3 AAC 48.490;

(2) the rate base and property balances are not adjusted to

(A) add an allowance for funds used during construction for property in service during the period rates filed under 3 AAC 48.450 — 3 AAC 48.490 were in effect except as provided in (m) of this section; or

(B) subtract accumulated deferred income taxes except as provided in (m) of this section; and

(3) any dismantlement, removal, and restoration costs waived by the pipeline carrier during the period rates filed under



3 AAC 48.450 — 3 AAC 48.490 were in effect are not recovered in rates filed under this section.

(m) If the commission orders the pipeline carrier to subtract accumulated deferred income taxes from the rate base, the pipeline carrier filing revised rates under (l) of this section may add to the rate base and property balances an allowance for funds used during construction that does not exceed the amount of accumulated deferred income taxes deducted from the rate base.

(n) The accumulated depreciation balances used to calculate rates filed under 3 AAC 48.450 — 3 AAC 48.490 are not subject to investigation or protest when included in rates filed under (l) of this section. The beginning plant balances, additions, and retirements verified by the pipeline carrier for rates filed under 3 AAC 48.450 — 3 AAC 48.490 are subject to investigation or protest when included in rates filed under (l) of this section. (Eff. 9/12/75, Register 55; am 6/8/78, Register 66; am 6/29/84, Register 90; am 1/10/99, Register 149; am 5/5/2000, Register 154; am 3/21/2003, Register 165; am 8/19/2006, Register 179; am 1/9/2009, Register 189; am 11/6/2016, Register 220)

<b>Authority:</b>	AS 42.04.080	AS 42.05.411	AS 42.06.350
	AS 42.05.141	AS 42.05.431	AS 42.06.370
	AS 42.05.151	AS 42.05.441	AS 42.06.390
	AS 42.05.361	AS 42.06.055	AS 42.06.430
	AS 42.05.391	AS 42.06.140	

**3 AAC 48.280. Notice and effective date.** (a) A special contract or other tariff filing may not take effect until the filing utility or pipeline carrier has complied with this section and the delivery requirements set out in 3 AAC 48.240. If a utility or pipeline carrier makes a tariff filing without meeting 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 has the same status as if it had never been filed and can take effect only if it is refiled in full compliance with all the applicable requirements.

(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 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.

(c) Except as otherwise provided in 3 AAC 48, any tariff filing delivered to the commission too late to allow the statutory notice period to run before a designated effective date will be returned to the utility or pipeline carrier. If a specific effective date is not designated in the advice letter, the commission will assume a proposed effective date is 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 and the filing will not be returned solely for failure to meet the notice requirements. If a tariff filing is refiled by the utility or pipeline carrier after having been returned as provided in this chapter, it is subject to the same notice requirement as the original filing.

(d) A copy of each tariff filing delivered to the commission must be readily accessible to the public at each location where an up-to-date copy of a utility's or pipeline carrier's effective tariff is available for public inspection.

(e) The commission may, 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

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

(2) individual notice to all customers or shippers to be affected either by hand, United States mail, or a similar delivery service, under conditions prescribed by the commission, or by the commission itself. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 11/6/2016, Register 220)

<b>Authority:</b>	AS 42.05.141	AS 42.05.411	AS 42.06.350
	AS 42.05.151	AS 42.06.140	AS 42.06.390
	AS 42.05.361		

**3 AAC 48.290. Response to notice.** (a) Comments may be filed either electronically, including by electronic mail, or on paper. Any person desiring to submit a comment in response to a tariff filing may be asked to do so not later than 20 days after the date the commission received the tariff filing, unless a longer period, not in excess of 30 days, is granted by public notice, or by notice in writing. Every notice to the public by hand, United States mail, or a similar delivery service or by means of a paid legal advertisement in any news media shall specify the deadline date for comments.

(b) Comments must be submitted with a copy to the utility or pipeline carrier, must be signed by the interested person or the person's authorized representative, and must contain at least the following information:

(1) reference to the applicable docket number, tariff advice letter number, or file reference specified in the notice;

(2) the name, mailing address, and, if applicable, electronic mail address of the person filing, regardless of whether the person is a customer of the utility or a shipper with the pipeline carrier; and if the person is a customer or shipper, the physical address of the place or places where service is taken, or the place or places where shipment is received by the carrier;

(3) the reason for filing, if not a customer or shipper, together with any supporting factual data;

(4) whether or not the comment is made on behalf of the inter-

ested person or on behalf of other named persons, including an organized group, association, or company;

(5) the person's comment in the noticed matter with reasonable particularity, and as concisely as possible; and

(6) a statement that a true copy of the same comment has been served on the utility or pipeline carrier that made the tariff filing, together with the date it was either electronically mailed or delivered by hand, United States mail, or similar delivery service to the utility or pipeline carrier.

(c) A customer of a utility, or a shipper with a pipeline carrier, has unquestioned standing to file a timely comment on a filing by that utility or pipeline carrier. The standing of others to file comments depends upon the nature of their interest, the merit of their position, the extent to which their comments are supported by accurate factual data, and other factors that the commission considers pertinent. Comments may be summarily dismissed, or ignored, if the commission finds the comment is based upon erroneous assumptions or appears to be motivated mainly by a desire to harass or embarrass the utility or pipeline carrier or to protect the economic interests of the competitors of the utility or pipeline carrier. A person who is denied standing may file a motion asking the commission to reconsider its decision and indicating the reason the motion should be granted, (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 11/6/2016, Register 220)

<b>Authority:</b>	AS 42.05.141	AS 42.06.140	AS 42.06.370
	AS 42.05.151	AS 42.06.350	AS 42.06.390

## Chapter 49. Deregulation.

### Article

1. Deregulation Ballot: Election Procedure (3 AAC 49.010 — 3 AAC 49.100)

### Article 1. Deregulation Ballot: Election Procedure.

#### Section

60. Recount

**3 AAC 49.060. Recount.** (a) Within 10 days after the commission's review and certification of the election results under AS 42.05.712(e), an interested party, a utility or cooperative, or 10 eligible subscribers or members who cast ballots in the election and who believe there has been a mistake made by the commission, by a counting team, or by a ballot counting agent in tabulating the votes in the election, may file an application for a recount of the votes on that ballot question.

(b) If there is a tie vote, the commission will initiate the recount and notify the interested parties of the time, date, and place of the recount.

(c) The date on which the commission receives an application for a recount, rather than the date of mailing or transmission of the application, determines whether the application is filed within the time allowed under (a) of this section. If the actual physical delivery of a copy in substance of the statements made in the application for recount is received in the commission's office before 5:00 p.m., Alaska Standard or Daylight Time, as the case may be, on the due date, the application will be accepted; however, the original signed application must be postmarked at or before midnight, Alaska Standard or Daylight Time, as the case may be, of the same day.

(d) An application for recount must include a deposit in cash, by certified check, or by bond with surety approved by the commission. The amount of the deposit is \$1 per ballot based on the original count of valid ballots cast on the question. However, if the recount includes a question for which there was a tie vote on the issue, or the difference between the number of votes cast in favor of or in opposition to the question was 10 or less, or was less than .5 percent of the total votes cast in favor of or in opposition to the issue, the application need not include a deposit, and the commission will bear the cost of the recount. If the vote on the recount is determined to be four percent or more in excess of the vote on the question reported by the commission on initial certification of the results as stated in the application, the entire deposit will be refunded. If the entire deposit is not refunded, the commission will refund any money remaining after the cost of the recount has been paid from the deposit.

(e) If the commission determines that the application for a recount is substantially in the required form, the commission will set the date of the recount. It will be held within 10 days after receipt of an application requesting a recount of the votes cast on the question.

(f) Utilities or cooperatives, or organized groups of subscribers or members, having a direct interest in the recount and who are seeking to protect their interests during a recount may provide at their own expense one or more observers to witness the recount.

(g) The commission will give the utility or cooperative, or any other interested party, or the one or more persons appointed to represent the applicant during the recount, notice of the time and place of the recount by certified mail or telephone.

(h) In conducting the recount, the commission, or its appointed representative, will review all ballots, whether the ballots were counted by hand or by mechanical means, to determine which ballots were properly marked and which ballots are to be counted in the recount. The accuracy of the original count and the review of that count will be checked. The commission will check the number of ballots cast, the ballots rejected or questioned, those damaged or erroneously marked against the certified list of eligible voters, and the total number of ballots distributed. The rules governing the counting of hand-marked and punchcard ballots will be followed in the recount. The ballots and other election material will remain in the custody of the commission during the recount, and the highest degree of care will be exercised to protect the ballots against alteration or mutilation. The recount will be completed within 10 days after the date it begins. The commission will, in its discretion, employ additional personnel or contract with a ballot counting agent as under 3 AAC 49.050(b) to assist in the recount.

(i) On completion of the recount the commission will certify the results by order or letter order.

(j) A utility, a cooperative, or an interested party who requested a recount and who has reason to believe an error has been made in the recount involving the question or the validity of any ballot may appeal to the superior court in accordance with AS 44.62.560 — 44.62.570 and applicable court rules governing appeals in civil matters. Appeal must be filed within 10 days after the completion of the recount and its certification. Upon order of the court, the commission will furnish the record of the recount taken, including all ballots, registers, and other election material pertaining to the election. The inquiry in the appeal will extend to the questions whether or not the commission has properly determined what ballots or marks on ballots are valid, and to which division of the question the vote should be attributed. (Eff. 8/14/80, Register 75; am 11/6/2016, Register 220)

Authority: AS 42.05.151

AS 42.05.712

## Chapter 51. Telecommunications Relay Services.

### Article

1. Criteria for the Provision of Telecommunications Relay Service for the Deaf, Hard of Hearing, and Speech Impaired (3 AAC 51.010 — 3 AAC 51.199)

### Article 1. Criteria for the Provision of Telecommunications Relay Service for the Deaf, Hard of Hearing, and Speech Impaired.

#### Section

30. Requirements of telecommunications relay service provider

#### Section

40. Funding of telecommunications relay service

**3 AAC 51.030. Requirements of telecommunications relay service provider.** (a) Following the issuance of a certificate of public convenience and necessity to provide TRS in this state, the provider shall file a tariff that incorporates the terms and conditions specified in its application. The TRS provider shall serve in conformance with its tariff until service expires under the terms of the certificate or until the commission decides otherwise. The TRS provider shall file with the commission, in accordance with 3 AAC 48.095, a monthly report that includes the following information:

(1) the number of access lines served, TRS surcharges, and TRS revenue collected; the report must include a compilation of the information supplied to the TRS provider by local exchange carriers under 3 AAC 51.040(k)(1) and must specify the surplus revenue account balance;

(2) the number of calls processed; the report must specify TRS traffic by number of calls and minutes of use and each category must be further disaggregated by jurisdiction and type of call; for the purpose of this paragraph "jurisdiction" includes local, intrastate toll, and interstate toll;

(3) the quality of service offered to customers; the report must show conformance with federal speed-of-answer and call-blocking standards specified in 47 C.F.R. 64.604(b)(2), issued June 21, 2000.

(b) The TRS provider shall enter into an escrow arrangement or post a bond with the commission in accordance with the terms and amount specified by the commission in its order issued under 3 AAC 51.020. (Eff. 12/2/92, Register 124; am 2/23/2001, Register 157; am 11/6/2016, Register 220)

Authority: AS 42.05.141

AS 42.05.151

AS 42.05.296

### **3 AAC 51.040. Funding of telecommunications relay service.**

(a) The commission will establish a TRS surcharge by order and will consider the following criteria:

- (1) the monthly revenue requirement of the TRS provider;

(2) the estimated number of residential, single-line business, and multi-line business lines of local exchange carriers;

(3) any amounts held by the TRS provider in the surplus revenue account.

(b) The commission will set an inception surcharge by order. After the inception surcharge has been set, the commission will modify the surcharge whenever necessary to avoid insufficient or excessive money in the surplus revenue account.

(c) After the commission determines the surcharge, each local exchange carrier shall submit to the commission a compliance tariff filing that includes the surcharge using the procedures set out in 3 AAC 48.220, 3 AAC 48.240, and 3 AAC 48.270.

(d) The commission will establish a two-tier surcharge with one tier for residential and single-line business subscribers and another tier for multi-line business subscribers.

(e) Each local exchange carrier shall list the surcharge as a separate line item on bills for service and entitle it "Universal Access Surcharge."

(f) Each local exchange carrier shall collect the surcharge for each access line from subscribers of local exchange service.

(g) The TRS provider shall retain as compensation for services an amount equal to its authorized monthly revenue requirement.

(h) If the TRS provider collects an amount in excess of its monthly revenue requirement, the TRS provider shall hold that excess amount in a low-risk interest bearing account and entitle it the "surplus revenue account".

(i) The TRS provider may draw from the surplus revenue account in any month in which an underrecovery of surcharge revenue occurs. An underrecovery means that the total surcharge collections from local exchange carriers for a given month is less than the TRS provider's revenue requirement for that month. The amount drawn from the surplus revenue account may not exceed the amount of the underrecovery. The amount of the underrecovery is calculated as follows:

UNDERRECOVERY = MONTHLY REVENUE REQUIREMENT - MONTHLY SURCHARGE COLLECTION

(j) If sufficient money is not available in the surplus revenue account to cover the underrecovery in a given month, the TRS provider may assess an interest charge on the unrecovered amount. The interest charge is assessable at the rate of 0.287 percent per day and collectible by the TRS provider in the next month in which sufficient money is available.

(k) Each local exchange carrier shall disburse surcharge collections on a monthly basis to the TRS provider in the following manner:

(1) by the 10th calendar day of each month, or the next working

day if the 10th falls on a Saturday, Sunday, or bank holiday, each local exchange carrier shall pay to the TRS provider surcharge revenues collected from telephone subscribers; each local exchange carrier shall send a report, with the payment, showing the number of residential lines, single-line business lines, and multi-line business lines to which a surcharge was assessed; the report must also include the number of uncollectible surcharges and the amount collected from previous months' uncollectible surcharges, separated by each month;

(2) payment is delinquent if it is not made by the 10th calendar day of each month or the next working day if the 10th falls on a Saturday, Sunday, or bank holiday; payment must be made by wire transfer or electronic funds transfer directly to the TRS provider's bank account;

(3) if electronic funds transfer is not technically feasible, payment must be made by check with immediately available money and mailed before the due date;

(4) if payment is not received in immediately available money on or before the due date, the TRS provider may assess a finance charge; the tariffed interest rate may not exceed the rate set by AS 45.45.010(a); a single late charge may be imposed when the account first becomes past due; charges for late payment must be deposited directly to the surplus revenue account unless sufficient money to cover the TRS provider's monthly revenue requirement is not available.

(l) An amount remaining in the surplus revenue account at the termination of a TRS provider's contract must be transferred within 30 days to the succeeding TRS provider. (Eff. 12/2/92, Register 124; am 2/23/2001, Register 157; am 11/6/2016, Register 220)

**Authority:** AS 42.05.141  
AS 42.05.151

AS 42.05.296  
AS 42.05.311

AS 42.05.321



## Chapter 52. Operation of Public Utilities.

### Article

1. Gas Utilities (3 AAC 52.010 — 3 AAC 52.080)
3. Telephone Utilities (3 AAC 52.200 — 3 AAC 52.340)
4. Criteria for Intrastate Interexchange Telephone Competition (3 AAC 52.350 — 3 AAC 52.399)
5. Electric Utilities (3 AAC 52.400 — 3 AAC 52.500)
6. Adjustment Clause (3 AAC 52.501 — 3 AAC 52.519)
7. Criteria for Determination of Power Cost Equalization (3 AAC 52.600 — 3 AAC 52.690)
8. Water and Wastewater Utilities (3 AAC 52.700 — 3 AAC 52.749)
10. Joint Use of Utility Facilities (3 AAC 52.900 — 3 AAC 52.940)

### Article 1. Gas Utilities.

#### Section

- |   |                                       |
|---|---------------------------------------|
| 30. Records, reports, and inspection for compliance | Section<br>70. Accidents or incidents |
|---|---------------------------------------|

**3 AAC 52.030. Records, reports, and inspection for compliance.** (a) Each utility shall establish and maintain records, make reports and provide information required by the commission to enable it to determine whether the utility has acted or is acting in compliance with the Natural Gas Pipeline Safety Act of 1968 and the standards adopted in 3 AAC 52.020. The records, reports and information shall be kept in accordance with AS 42.05.491.

(b) Each utility shall file with the commission, in accordance with 3 AAC 48.095, a plan for inspection and maintenance of each pipeline facility owned or operated by the utility, and any changes in the plan. If the commission finds that the plan is inadequate to achieve safe operation, the commission will, after notice and opportunity for a hearing, require the plan to be revised. (Eff. 2/21/69, Register 30; am 1/13/73, Register 44; am 11/6/2016, Register 220)

**Authority:** AS 42.05.141                      AS 42.05.461                      AS 42.05.501

**3 AAC 52.070. Accidents or incidents.** (a) Each utility shall cooperate with the commission to promote a reduction in hazard within the industry and to the public.

(b) Each utility shall report each accident immediately by the most expeditious means available, preferably by telephone or in person, to the commission at the commission's office in Anchorage, Alaska, or to a person designated by the commission. The notification shall include the location and time of the accident, a brief description of what occurred, and names of the individual(s) in charge of the repair operation and the individual(s) to be contacted by the commission for additional information.

(c) A written report of each accident shall be filed with the commission within 20 days after each accident, in accordance with 3 AAC 48.095. The report shall be made on the commission's "Gas Distribu-

tion Pipeline Accident or Incident Report” form or the United States Department of Transportation’s Form DOT-F-7100.2 for transmission and gathering systems. If the accident investigation is not completed within the 20-day period, the utility shall file an additional written report with the commission, in accordance with 3 AAC 48.095, upon the completion of the investigation and a written report of the progress of the investigation every 90 days until the investigation is complete. (Eff. 2/21/69, Register 30; am 1/13/73 Register 44; am 11/6/2016, Register 220)

Authority: AS 42.05.141 AS 42.05.291

**Article 3. Telephone Utilities.**

<p><b>Section</b>                  300. Operator handled calls                  320. Information to be furnished                  330. Capital program and planning statement</p>	<p><b>Section</b>                  333. Access to intrastate interexchange carriers</p>
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**3 AAC 52.300. Operator handled calls.** (a) Each utility shall maintain adequate personnel and equipment to answer 90 percent of all calls directed to the toll operator within 10 seconds. The surveillance level is reached when answering an average of less than 85 percent of all calls directed to the toll operator within 10 seconds for each month of any consecutive three-month period. An equivalent answering time objective is an average answer time of 2.8 seconds in each month of any consecutive three-month period; and the surveillance level is when the average answer time is greater than four seconds.

(b) Directory assistance, intercept calls, and auxiliary services must have an answering time objective of 85 percent of calls answered within 10 seconds. Excessive answer times that adversely affect toll trunk usage indicate a need for corrective action by the utility.

(c) For purposes of this section, “answer” means that the operator or representative is ready to render assistance or ready to accept the information necessary to process the call. An acknowledgement that the customer is waiting on the line does not constitute an “answer.”

(d) Each utility shall make answering time studies of its operator services, using recognized sampling techniques, to the extent and with the frequency necessary to determine compliance with this section. Monthly summaries of these studies, prepared with respect to each appropriate operator grouping, must be filed with the commission promptly after the end of each calendar quarter, in accordance with 3 AAC 48.095. (Eff. 1/5/79, Register 69; am 11/6/2016, Register 220)

Authority: AS 42.05.141 AS 42.05.291 AS 42.05.331  
 AS 42.05.151

**3 AAC 52.320. Information to be furnished.** (a) Each telephone utility shall report to the commission, in accordance with 3 AAC 48.095, all instances where the quality of service it provides fails to meet the surveillance levels specified in these standards for three consecutive months. That report must be filed with the commission within 30 days following the three-month period during which the surveillance levels have not been attained.

(b) Each telephone utility shall report as soon as reasonably possible to the commission, in accordance with 3 AAC 48.095, any specific occurrence or development that disrupts the service to five percent or more of its subscribers in a particular exchange or that has a significant adverse effect on toll network performance. A failure of the automatic number-identifying equipment or a failure of 25 percent or more trunks in any trunk group for a period of more than one hour is considered a significant disruption of service.

(c) Each telephone utility shall furnish to the commission staff, at the times and on the forms or in the format the commission may require, the results of any required tests and summaries of required reports. The utility also shall furnish the commission with any information concerning the utility's facilities or operations which the commission may request. (Eff. 1/5/79, Register 69; am 11/6/2016, Register 220)

Authority: AS 42.05.141                      AS 42.05.291                      AS 42.05.331  
AS 42.05.151

**3 AAC 52.330. Capital program and planning statement.** In addition to the annual report required by AS 42.05.451(b), a telephone utility shall file annually with this commission, in accordance with 3 AAC 48.095, a listing of its projected capital improvements projects that exceed \$15,000, arranged by major plant categories, for the current year and the ensuing two years. This filing must include a technical planning statement giving the reasoning underlying the construction program and a demand and facility chart for each central office entity or toll switching facility. The commission will prescribe the form or the format of the report. It is understood that changes after filing may be necessary as economic conditions, experience, and further study dictate. (Eff. 1/5/79, Register 69; am 11/6/2016, Register 220)

Authority: AS 42.05.141                      AS 42.05.151                      AS 42.05.511

**3 AAC 52.333. Access to intrastate interexchange carriers.** (a) As set out in (b) — (c) of this section, a local exchange telephone utility providing service to an exchange shall install and maintain plant, equipment, and facilities necessary to provide 2-PIC dialing in that exchange upon receipt of a bona fide request for interconnection.

(b) If a local exchange telephone utility receives a bona fide request for interconnection in an exchange where interstate equal access is available at the time of the request, that utility shall implement 2-PIC dialing in that exchange within 90 days after receipt of that request. Upon implementation of 2-PIC dialing, the access line or lines of each customer will be presubscribed to the incumbent carrier until the local exchange telephone utility receives a request from an interexchange carrier to change the customer's interexchange carrier.

(c) If a local exchange telephone utility receives a bona fide request for interconnection in an exchange where interstate equal access is not being provided at the time of the request, that utility shall provide 2-PIC dialing at the same time and on the same schedule as required by the Federal Communications Commission for the implementation of interstate equal access. In this event, presubscription balloting for intrastate interexchange carriers shall be conducted by that utility in coordination with balloting for interstate interexchange carriers, as follows:

(1) At least 45 days in advance of the mailing of interstate interexchange presubscription ballots, a local exchange telephone utility shall file with the commission for review and approval, in accordance with 3 AAC 48.095, a proposed intrastate interexchange presubscription ballot that lists the available intrastate interexchange carriers. The ballot must clearly state that a customer may select different interexchange carriers for intrastate and interstate interexchange services;

(2) Pending the conversion to 2-PIC equal access, 1-plus and no-plus intrastate interexchange calls and 0-minus calls must be routed to the incumbent carrier. Other intrastate interexchange carriers shall obtain access through Feature Group A or Feature Group B access from the local exchange telephone utility, without discount, or through the incumbent carrier's 2-PIC equal access tandem.

(d) If a local exchange telephone utility desires a waiver of (b) of this section, that utility must file a motion for that waiver within 30 days after receipt of a bona fide request for interconnection and include a schedule that states when 2-PIC dialing can be provided, the financial and technical basis for the waiver request, and a proposed public notice of the interim dialing arrangements. The proposed public notice must explain the 1-PIC dialing arrangements, list carriers available to provide both intrastate and interstate interexchange services, and describe the actions necessary to change a presubscribed access line to a different interstate interexchange carrier.

(e) If a waiver of (b) of this section is granted, the local exchange telephone utility shall implement 1-PIC dialing for the period prior to 2-PIC implementation in accordance with the following rules:

(1) Within 14 days after commission approval of a waiver and associated public notice, the local exchange telephone utility shall

mail copies of the approved notice to its customers. Each intrastate interexchange carrier listed on the notice will be billed by the local exchange telephone utility for an equal share of the cost of providing notice under this paragraph.

(2) The local exchange telephone utility shall implement 1-PIC dialing 45 days after the commission approves of the waiver. (Eff. 6/27/92, Register 122; am 10/29/94, Register 132; am 11/11/2001, Register 160; am 4/24/2004, Register 170; am 11/6/2016, Register 220)

<b>Authority:</b>	AS 42.05.141	AS 42.05.311	AS 42.05.800
	AS 42.05.151	AS 42.05.321	AS 42.05.810

**Article 4. Criteria for Intrastate  
Interexchange Telephone  
Competition.**

<b>Section</b>	<b>Section</b>
358. Registration	380. Reporting, verification, and auditing requirements
367. Online tariff of registered entities	390. Miscellaneous provisions
372. Long distance rate reductions from elimination of carrier common line rates	

**3 AAC 52.358. Registration.** (a) Unless required by 3 AAC 52.360(a) to have a certificate of public convenience and necessity, an entity proposing to provide intrastate interexchange telephone service or alternate operator service shall register with the commission in accordance with this section.

(b) Except as provided in (c) of this section, an entity registering under this section shall submit a registration fee of \$100, and shall file, in accordance with 3 AAC 48.095, the following information on a form prescribed by the commission:

- (1) the entity's legal name and the name under which the entity proposes to do business;
- (2) the addresses of the entity's principal national place of business and, if different, its place of business in this state;
- (3) the name, title, and telephone number of the individual who is available to provide the commission with information about the registration;
- (4) the entity's type of business structure, including proof of incorporation and the name and address of the entity's registered agent if applicable;
- (5) proof of the entity's authority to do business in this state;
- (6) a list of the owners of five percent or more of the entity's equity;
- (7) a list of persons or entities that are affiliated interests of the registrant entity;
- (8) a list of all administrative and judicial proceedings that resulted in

(A) suspension, revocation, or denial of the authority, license, or certification of the entity or its officers, directors, or affiliates to provide utility services;

(B) a reprimand, penalty, or conviction of the entity or its officers, directors, or affiliates related to operations, gross misrepresentations, fraudulent transactions, or securities violations; or

(C) an adjudication of bankruptcy or a reorganization in bankruptcy of the entity or its officers, directors, or affiliates;

(9) a list of all cases and locations in which the entity, or its officers, directors, or affiliates, have abandoned service in violation of applicable statutes, regulations, or orders;

(10) a list of the names, titles, and responsibilities of key management now employed or to be employed by the entity, and resumes for each person;

(11) a list of all services proposed, together with an explanation of the entity's technical ability to provide the proposed services;

(12) a copy of the entity's initial online tariff maintained in accordance with 3 AAC 52.367;

(13) a completed verification, on a form prescribed by the commission, and signed by the person authorized to sign on behalf of the entity, that the entity's tariff complies with AS 42.05 and this chapter;

(14) the Internet address of the entity's online tariff;

(15) an explanation as to whether resold services will be obtained from

(A) another carrier's intrastate wholesale tariff;

(B) another carrier's intrastate retail tariff;

(C) an interstate contract or tariff; or

(D) some other mechanism;

(16) a verification signed by the person authorized to sign on behalf of the entity that all of the information provided in the registration is true, accurate, and complete.

(c) An interexchange carrier that has obtained a certificate of public convenience and necessity to provide intrastate interexchange telecommunications service shall register under this subsection within six months after May 18, 2003, if after that date the carrier is no longer required to be certificated under 3 AAC 52.360(a). A certificated interexchange carrier registering under this subsection shall return its certificate and submit a registration fee of \$100 to the commission. The carrier shall provide the information listed in (b)(1) — (b)(3), (b)(12), (b)(13), and (b)(14) of this section on a form prescribed by the commission.

(d) An entity registering under this section shall have tariffed rates no greater than the maximum rates listed in this subsection, except that these maximum rates do not apply to prepaid calling card services provided in accordance with 3 AAC 52.377:

(1) for flat-rate per minute calls, \$.35 per minute;

(2) for daytime mile-sensitive calls, the rates shown in the following table:

Mileage Band	Initial Minute	Each Additional Minute
0 — 34	\$0.33	\$0.13
35 — 64	\$0.37	\$0.17
65 — 94	\$0.41	\$0.21
95 — 124	\$0.44	\$0.24
125 — 154	\$0.47	\$0.27
155 — 184	\$0.50	\$0.29
185 — 214	\$0.54	\$0.33
215 — 274	\$0.57	\$0.36
275 — 334	\$0.59	\$0.38
335 — 394	\$0.59	\$0.38
395 — 454	\$0.59	\$0.38
455 or greater	\$0.59	\$0.38

(3) for evening mile-sensitive calls, 80 percent of the applicable daytime maximum rate set out in (2) of this subsection; the evening rate period is Sunday through Friday from 5:00 p.m. through 10:59:59 p.m.;

(4) for night and weekend mile-sensitive calls, 50 percent of the applicable daytime maximum rate set out in (2) of this subsection; the night and weekend rate period is

(A) Monday through Sunday, from 11:00 p.m. through 7:59:59 p.m.;

(B) all day Saturday;

(C) all day Sunday except 5:00 p.m. through 10:59:59 p.m.;

(D) January 1, known as New Year's Day;

(E) the third Monday in January, known as Martin Luther King, Jr.'s Birthday;

(F) the third Monday in February, known as Presidents' Day;

(G) the last Monday in May, known as Memorial Day;

(H) July 4, known as Independence Day;

(I) the first Monday in September, known as Labor Day;

(J) the second Monday in October, known as Columbus Day;

(K) October 18, known as Alaska Day;

(L) November 11, known as Veterans Day;

(M) the fourth Thursday in November, known as Thanksgiving Day; and

(N) December 25, known as Christmas Day;

(5) for directory assistance calls, \$1 per call;

(6) for a surcharge for originating a call from a pay telephone, \$.30 per call;

(7) for a surcharge for customer-dialed operator-assisted calls, \$.50 per call;

(8) for a surcharge for operator-dialed customer-assisted calls, \$1.55 per call;

(9) for a surcharge for person-to-person operator-assisted calls, \$3 per call.

(e) An entity registering under this section shall

(1) submit a \$5,000 bond if it requires the prepayment of services;

(2) submit a \$1,000 bond if it does not require the prepayment of services;

(3) charge only rates that are geographically averaged statewide;

(4) maintain an online tariff in accordance with 3 AAC 52.367;

(5) list all state and local taxes and fees as separate line items on a customer's bill;

(6) modify its online tariff only after providing 30 days' notice to the commission and the public in accordance with 3 AAC 52.367;

(7) notify each new customer and annually notify existing customers that they may opt to receive notice of tariff revisions by electronic mail or by mail as provided in 3 AAC 52.367(e)(2);

(8) report all intrastate minutes as required under 3 AAC 52.380; and

(9) pay all intrastate access charges required under AS 42.05 and 3 AAC 48.440 and by applicable access charge tariffs.

(f) An entity registering under this section may not

(1) offer untariffed intrastate interexchange service; or

(2) tariff services that it is not prepared to provide as of the effective date in its tariff.

(g) An entity registered under this section shall, on or before January 31 of each year, renew its registration by filing, in accordance with 3 AAC 48.095, a form prescribed by the commission. The registration renewal must include a statement of any changes to information submitted with the entity's registration, an annual registration renewal fee of \$50, and a verification that the entity is in compliance with the requirements of (e) and (f) of this section.

(h) The commission will verify receipt of a registration or registration renewal by returning a numbered registration or registration renewal receipt marked with the date the commission received the filing.

(i) Unless notified that its registration is rejected, the entity registering under this section may begin operation 45 days after the date the commission received the registration. Commission staff may reject an incomplete registration without prejudice to refile. If the commission rejects the registration with a finding that the entity is not fit, willing, or able to provide the proposed service, the entity may request a hearing.

(j) If the commission learns of a defect in a registration or registration renewal after an entity begins operation, the commission may issue an appropriate order to address the defect, including an order suspending the entity's operating authority, or requiring additional information. If the commission suspends an entity's operating authority under this section, the suspension will be stayed if the entity



requests a hearing within ten days after the date of the order. A defect in a registration includes incomplete, inaccurate, or misleading information. (Eff. 5/18/2003, Register 166; am 11/6/2016, Register 220)

<b>Authority:</b> AS 42.05.141	AS 42.05.381	AS 42.05.661
AS 42.05.151	AS 42.05.411	AS 42.05.711
AS 42.05.221	AS 42.05.431	AS 42.05.810
AS 42.05.361		

**3 AAC 52.367. Online tariff of registered entities.** (a) Except as provided in 3 AAC 52.377, a registered entity shall maintain a tariff, in hypertext markup language (HTML), on the Internet at an address associated with the carrier. The entity may maintain the online tariff in additional electronic formats for the convenience of the public, if the versions in the additional formats do not deviate in content from, and are substantially consistent in layout with, the version in hypertext markup language.

(b) In its online tariff, a registered entity may include the following charges, if the entity fully describes those charges in its online tariff, and if the charge complies with the requirements applicable to that charge:

(1) a customer deposit, if the entity's online tariff sets out objective criteria for determining when a customer deposit will be required; the deposit may not exceed the entity's estimate of two months' billings and may not be retained longer than two years unless the customer is delinquent in payment more than once in any 12 consecutive months; however, an alternate operator service provider may not require a customer deposit;

(2) late payment charges for bills not paid 30 days after the later of the billing invoice date or the billing postmark date; the entity may include only the following in a late payment charge:

(A) a one-time late payment fee not exceeding one percent of the unpaid amount;

(B) a finance charge not exceeding .0287 percent of the unpaid amount per day that the amount remains unpaid;

(3) a termination fee for a service with a term commitment, if the (A) termination fee is clearly stated in the term-of-service contract; and

(B) amount of the termination fee is reasonably related to the discount the customer received before termination and is not punitive.

(c) A registered entity's online tariff must include a table of contents and a section for setting out notices of any proposed tariff revisions, and must set out in plain language a statement of the following:

(1) customer complaint information, including

(A) an address and toll-free telephone number for customer complaints;

(B) a process for resolving complaints with customers;

(C) a statement that any unresolved disputes may be brought to the attention of the commission; and

(D) the commission's mailing address, Internet address of the commission's website, and toll-free telephone number;

(2) a list of each state and municipal tax upon, and fee for, service, and a statement that each state and municipal tax and fee will be listed as a separate line item on a customer's bill;

(3) a statement that any costs sought under AS 09.68.115(a)(2) for a customer's dishonored check may be charged as a separate line item on a customer's bill;

(4) unless a service is provided statewide, the specific locations where a service is provided;

(5) a list of any special contracts for retail services; the list must identify each customer and the retail service specially provided to that customer;

(6) a statement that any limitation of liability provision in the online tariff is subject to the following:

(A) a registered entity may not disclaim liability for its own gross negligence or willful misconduct;

(B) inclusion of a limitation of liability provision in a registered entity's online tariff does not prevent a court of competent jurisdiction from

(i) determining the validity of the limitation of liability provision, or of any exculpatory clause, under applicable law; or

(ii) adjudicating negligence and consequential damage claims.

(d) At least 30 days before revising a provision of its online tariff, a registered entity shall file with the commission in accordance with 3 AAC 48.220, 3 AAC 48.240, and 3 AAC 48.270

(1) the proposed tariff revision;

(2) a completed verification, on a form prescribed by the commission, and signed by the person authorized to sign on behalf of the entity, that the entity's tariff complies with AS 42.05 and this chapter; and

(3) the public notice of the proposed tariff revision required by (e) and (f) of this section.

(e) Public notice of a proposed tariff revision must be given by

(1) including the notice in the section of the entity's online tariff for proposed tariff revisions; and

(2) delivering the notice to members of the public that request notification of tariff modifications; delivery may be made by mail or electronic mail, at the entity's option.

(f) Public notice of a registered entity's proposed tariff revision must include a plainly written general description of the proposed tariff revision that is accurate and sufficient to alert consumers of any change to a rate or rule applicable to them, and also must include the following specific information:

(1) the date the entity filed or will file the proposed tariff revision with the commission;

(2) the date the entity proposes to make the revision effective;

(3) a statement that the entity's current tariff and proposed revisions are available for review at the entity's office and Internet web site, the address and business hours of the entity's office, and the Internet address of the entity's web site;

(4) a statement that any person may, within 20 days after the date of the notice, file comments on the tariff revision with the commission by mail, through the commission's website, or by electronic mail;

(5) the commission's mailing address, Internet address of the commission's website, and electronic mail address where comments may be filed. (Eff. 5/18/2003, Register 166; am 11/6/2016, Register 220)

<b>Authority:</b>	AS 42.05.141	AS 42.05.381	AS 42.05.431
	AS 42.05.151	AS 42.05.411	AS 42.05.711
	AS 42.05.361		

**3 AAC 52.372. Long distance rate reductions from elimination of carrier common line rates.** (a) To the extent possible and reasonable, and taking into consideration (1) costs of service; (2) changes in calling volumes; (3) changes in intrastate access charge rates; (4) jurisdictional cost differences; and (5) other relevant factors, interexchange carriers shall reduce intrastate long distance rates within a reasonable time after the elimination, under 3 AAC 53.350(c), of the carrier common line charge with the goal of achieving parity between intrastate long distance rates and interstate long distance rates.

(b) No later than three months after the elimination, under 3 AAC 53.350(c), of the carrier common line charge, an interexchange carrier shall file a report, in accordance with 3 AAC 48.095, describing changes it has made in intrastate long distance rates. For a period of five full calendar years thereafter, no later than March 31 of each year, an interexchange carrier shall file an annual report, in accordance with 3 AAC 48.095, demonstrating the extent to which the carrier reduced intrastate long distance rates in the preceding calendar year in conformance with (a) of this section. The interexchange carrier's annual report must either demonstrate flow-through of access charge savings based upon the methodology developed through industry consensus and set out in the joint report submitted to the commission on December 13, 2001 in Docket R-01-1, or demonstrate reasonable progress towards achieving parity between intrastate long distance rates and interstate long distance rates. Under either approach, the annual report must include a schedule showing the change in dollars and minutes of intrastate long distance from year to year segregated between intrastate residential long distance and intrastate business long distance.

(c) If an interexchange carrier does not make reasonable progress toward the goal of reducing intrastate long distance rate schedules and plans to interstate levels, each customer bill that includes a rate that does not represent reasonable progress will be considered a separate violation of (a) of this section and subject to civil penalties under AS 42.05.571.

(d) For purposes of this section, the joint report submitted to the commission on December 13, 2001 in Docket R-01-1, *In the Matter of the Consideration of Reform of Intrastate Interexchange Access Charge Rules*, is adopted by reference. (Eff. 7/31/2011, Register 199; am 11/6/2016, Register 220)

<b>Authority:</b>	AS 42.05.141	AS 42.05.321	AS 42.05.571
	AS 42.05.145	AS 42.05.381	AS 42.05.581
	AS 42.05.151	AS 42.05.391	AS 42.05.611
	AS 42.05.311	AS 42.05.431	AS 42.05.840

**3 AAC 52.380. Reporting, verification, and auditing requirements.** (a) An interexchange carrier shall submit to the commission, to each exchange access service provider, and to each association of exchange access service providers data necessary for the calculation of access charges in accordance with the Alaska Intrastate Interexchange Access Charge Manual, adopted by reference in 3 AAC 48.440, and the effective access charge tariffs.

(b) An interexchange carrier shall retain for a period of three years the records, including billing tapes, from which the data specified in (a) of this section is obtained.

(c) All information submitted by an interexchange carrier under (a) of this section is available for public inspection.

(d) An interexchange carrier may petition the commission to authorize an independent audit of the information provided by another interexchange carrier under (a) of this section. The interexchange carrier requesting an audit must pay for the cost of the audit. If the commission determines, based on the audit, that the information provided by the audited interexchange carrier is inaccurate by a margin exceeding 2 percent or by a margin that resulted in an underpayment of access charges by an amount exceeding \$200,000 on an annual basis, the audited interexchange carrier shall reimburse the cost of the audit and shall be subject to civil penalties in accordance with AS 42.05.571 — 42.05.621. In addition, an interexchange carrier that is determined to have underpaid access charges shall correct that underpayment in accordance with the tariff of the Alaska Exchange Carriers Association.

(e) An interexchange carrier that owns or controls interexchange facilities in the state shall file annually with the commission, in accordance with 3 AAC 48.095, a report identifying occurrences of the carrier's noncompliance with the state telecommunications modernization plan set out in 3 AAC 53.700 — 3 AAC 53.720. The carrier shall

also identify progress toward compliance with the deadline requirements of 3 AAC 53.700 — 3 AAC 53.720.

(f) An interexchange carrier or alternate operator service provider shall annually submit calendar year traffic data, disaggregated by month, within 90 days after the end of each calendar year. The traffic data must be submitted, in accordance with 3 AAC 48.095, in a format prescribed by the commission. (Eff. 3/16/91, Register 117; am 9/1/2002, Register 163; am 5/18/2003, Register 166; am 9/16/2005, Register 175; am 11/6/2016, Register 220)

<b>Authority:</b> AS 42.05.141	AS 42.05.221	AS 42.05.431
AS 42.05.151	AS 42.05.241	AS 42.05.990

**3 AAC 52.390. Miscellaneous provisions.** (a) The provisions of

(1) 3 AAC 48.230, do not apply to an interexchange carrier; however, the commission may require changes to a billing or contract form if that form is confusing or misleading to customers, or is contrary to the public interest; and

(2) 3 AAC 48.275, 3 AAC 48.277, and 3 AAC 48.430 do not apply to an interexchange carrier.

(b) Repealed 9/16/2005.

(c) Repealed 8/1/2015.

(d) Provisions governing the reassignment of a subscriber's access line or lines to a different interexchange carrier are set out in 3 AAC 52.334.

(e) No implicit modification or waiver of any statutory or regulatory requirements is intended by 3 AAC 52.350 — 3 AAC 52.399; absent specific modification or waiver, all statutory and regulatory requirements remain in effect.

(f) For each proposed retail tariff revision, an interexchange carrier shall give public notice of that tariff revision by publication in a widely distributed newspaper of general circulation and shall file with the commission a copy of each notice. The carrier shall publish and file each notice no later than five days after filing the proposed tariff revision with the commission.

(g) For each proposed wholesale tariff revision, an interexchange carrier shall provide public notice of that tariff revision on its Internet website and shall file with the commission a copy of the notice. The carrier shall post and file the notice no later than five days after filing the proposed tariff revision with the commission.

(h) In a notice required under (f) or (g) of this section, the carrier shall provide a general description of the proposed tariff revision that is accurate, written in plain English, and in sufficient detail to explain the proposal. The notice must include the following information:

(1) the date the carrier made or will make its filing with the commission;

(2) the date the revision is expected to become effective;

(3) a listing of the principal rates and rate changes proposed;

(4) a brief explanation of the principal changes proposed to the carrier's rules of service;

(5) a statement identifying where the proposed revision and the carrier's current tariff are available for public review in the state;

(6) a statement similar to the following: "Any person may file written comments on this tariff revision with the Regulatory Commission of Alaska on paper at 701 West Eighth Avenue, Suite 300, Anchorage, Alaska 99501 or electronically by means of the commission's website at (Internet website address). To assure that the Commission has sufficient time to consider the comments before the revision takes effect, your comments must be filed with the Commission no later than (a specific date, not a weekend or holiday, approximately 7-10 days before the filing takes effect)."

(i) An interexchange carrier providing wholesale services shall notify the commission in writing of the address of the carrier's Internet web site where the public notice of proposed wholesale rate and service provisions will be published.

(j) An interexchange carrier may not assess a termination penalty if a customer prematurely cancels a term contract with the carrier when the customer changes carriers as a result of equal access balloting.

(k) The commission may revoke a registered entity's operating authority for good cause, including failure to comply with the provisions of 3 AAC 52.350 — 3 AAC 52.399.

(l) An interexchange carrier that offers a bundled service shall, in its tariff provision describing the bundled service offering and in the public notice of any proposed bundled service tariff provision, separately identify the rates for local and intrastate interexchange services included in the bundle and offer the intrastate interexchange services and rates in all locations where the carrier offers intrastate interexchange service on a 1-plus direct-dialed basis. An interexchange carrier that offers a bundled service shall offer the customer the alternative of purchasing intrastate interexchange service on a stand-alone basis. An interexchange carrier that offers discounted intrastate interexchange service as part of a bundle is required to provide the discounted intrastate interexchange service on a stand-alone basis only in locations where the bundled offering is not available. An intrastate interexchange carrier that offers bundled services including local exchange service must also comply with 3 AAC 53.295.

(m) On or before March 31 of each year, an interexchange carrier shall file, in accordance with 3 AAC 48.095, a financial report of the carrier's intrastate interexchange operations in the state for the previous calendar year. Non-interexchange operations must be excluded from the financial report. The financial report must include detailed information regarding

- (1) gross revenues;
- (2) sale for resale revenues;
- (3) billing and collection revenues; and

(4) directory assistance revenues.

(n) Repealed 8/1/2015.

(o) On or before March 31 of each year, an interexchange carrier shall file with the commission, in accordance with 3 AAC 48.095, a map or a listing identifying each location where the carrier owns or controls interexchange facilities and identifying each type of facility that is sited at each location. After an initial filing, absent changes to the facilities map or listing, the interexchange carrier shall file verification, in accordance with 3 AAC 48.095, that no changes to the map or listing have occurred. If the interexchange carrier does not own or control an interexchange facility in the state,

(1) a map or listing is not required; and

(2) on or before March 31 of each year, the carrier shall provide verification that it does not own or control an interexchange facility in the state. (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)

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

**Article 5. Electric Utilities.**

**Section**

450. Disconnection of service  
470. Engineering standards; energy purchase contracts

**Section**

490. Other general information to be furnished to the commission

**3 AAC 52.450. Disconnection of service.** (a) A utility may disconnect service to a customer without advance written notice under the following conditions:

- (1) an immediate hazard exists which threatens the safety or health of the customer or the general population or the utility's personnel or facilities;
- (2) the utility has evidence of meter tampering or fraud by the customer; or
- (3) a customer has failed to comply with the curtailment procedures imposed by a utility during emergency supply shortages.

(b) A utility may commence disconnection procedures in accordance with the notice requirements of (c) of this section for any of the following reasons:

- (1) failure of the customer to pay for utility service within 40 days after initial rendering of the bill unless the customer has entered into a deferred payment agreement;
- (2) failure of the customer to meet or maintain the utility's deposit requirements;
- (3) knowing and continued failure of the customer to provide the utility with reasonable access to its meter, equipment, or property;

(4) customer breach of a special contract between the utility and customer for utility service; or

(5) necessity of the utility to comply with an order or regulation of any governmental agency with proper jurisdiction.

(c) The following notice requirements apply to service disconnections permissible under (b) of this section:

(1) Except as provided in (2) of this subsection and in (d) of this section, a utility shall, at least 15 days before the scheduled date of disconnection, mail or deliver to the customer a written notice of its intent to disconnect service. A copy of the termination notice must be simultaneously forwarded to any third party designated by the customer on a service application. The notice must contain, at a minimum, the following information:

(A) the name and address of the customer whose service is to be disconnected and the service address, if different;

(B) the date on or after which service will be disconnected unless the customer takes appropriate action;

(C) an explanation of the reason for the proposed disconnection, including, if appropriate, a statement of the amount of the delinquent bill which the customer has failed to pay in accordance with the payment policy of the utility;

(D) if disconnection is premised on payment delinquency,

(i) a statement advising the customer to contact the utility for information regarding deferred payment and other procedures that the utility may offer to avoid disconnection of the customer's service; and

(ii) a list of any governmental or social assistance agencies, of which the utility is aware, that may offer energy assistance to qualified needy customers;

(E) a specific request that if a customer's residence is occupied by a person seriously ill, elderly, with a disability, or dependent on life support systems, the customer should notify the utility immediately of that circumstance for consideration in avoiding disconnection;

(F) a statement advising the customer that the utility's stated reason for the termination of service may be disputed and potentially resolved by contacting the utility at a specific address or telephone number;

(G) a statement that the utility retains the right to terminate service, after allowing a customer who disputes a bill the opportunity for a meeting, if the utility continues to find that the reason for the disconnection is just;

(H) the telephone number and mailing address of the commission, the Internet address of the commission's website, and a statement that the customer may file a complaint with the commission under 3 AAC 48.120 or 3 AAC 48.130 if not satisfied with the utility's response or resolution of a contested bill or tariff provision; and



(I) the amount of the utility's tariffed charges for disconnection and reconnection of service.

(2) If a utility has been informed that a residence is occupied by a person seriously ill, elderly, with a disability, or dependent on life support systems, the utility shall provide the notice required by (1) of this subsection at least 30 days before the scheduled date of disconnection. In any case in which a utility is notified after issuance of a termination notice that a customer's residence is occupied by a person seriously ill, elderly, with a disability, or dependent on life support systems, the utility shall extend the disconnection date by 15 days and notify the customer of the extension.

(3) Not less than three working days prior to disconnection, the utility shall attempt personal contact with the customer either by telephone or by visit of an authorized utility representative to the premises. If by telephone, the utility shall attempt to make contact no less than three times at various periods in the day or make other reasonable attempts to contact the customer. A utility shall keep records of all attempted and completed telephone contacts, showing at least the time, the person making the attempt, and the outcome. If by visit to the premises, the utility's authorized representative shall hand-deliver a "Shut-Off Notice" to the customer or, if no personal contact is possible, leave the notice in a prominent place. If the premises is 25 or more miles from the nearest location from which the utility delivers notices and if telephone contact cannot be made, a first class, postage-prepaid letter may serve as an alternative to a hand-delivered "Shut-Off" notice. This notice must be mailed no less than five working days before the date scheduled for disconnection. The "Shut-Off Notice" or completed telephone call must provide the customer with the following information:

(A) the name and address of the customer and the service address, if different;

(B) a concise statement of the reasons for the impending disconnection of service;

(C) the date on or after which service will be disconnected;

(D) the business office telephone number, after-business-hours telephone number if applicable, and the address of the utility where the customer may pay the delinquent bill, enter into a deferred payment agreement, or file a bill dispute complaint; and

(E) the amount of the charges for disconnection and reconnection of service.

(4) If a utility knows that a landlord/tenant relationship exists, the following additional provisions apply:

(A) For individually metered premises where the landlord is the customer, the utility shall notify the tenant in writing, at least 15 days before the scheduled date for disconnection of the service to the landlord, of the option of subscribing for service in the tenant's own name. However, the utility may not attempt to recover from

the tenant or condition service to the tenant on the payment of any outstanding bills or other charges due from the outstanding account of the landlord. If, however, the tenant has a previously outstanding balance at the same service address, the utility may condition service to that tenant on terms acceptable to the utility for repayment of the outstanding balance plus a deposit in compliance with the utility's tariff. If the tenant declines to subscribe for individual service, or arrange for payment of the tenant's outstanding balance, if applicable, the utility may disconnect service without further notice, no earlier than the date scheduled for disconnection.

(B) For master-metered premises where the landlord is the customer, the utility

(i) after the expiration of the notice period provided in (1)—(3) of this subsection, shall additionally provide individual notice of the pending disconnection to each tenant served through the master meter at least 14 days before disconnection; or

(ii) at least 15 days before the scheduled date of disconnection of the landlord, shall give each tenant served through the master meter notice of the pending disconnection.

(C) If the tenant is the customer, the utility shall notify the landlord in writing, at least 15 days before the scheduled date of disconnect of the tenant, of the option of subscribing for the service provided at the tenant's premises. However, the utility may not attempt to recover from the landlord or condition service to the landlord on the payment of any outstanding bills or other charges due from the outstanding account of the tenant. If, however, the landlord has a previous outstanding balance at the same service address, the utility may condition service to that landlord on terms acceptable to the utility for repayment of the outstanding balance plus a deposit in compliance with the utility's tariff. If the landlord declines to subscribe for service or arrange for payment of the landlord's outstanding balance, if applicable, the utility may disconnect service without further notice.

(d) At least three working days before disconnection, a utility shall give written or telephone notice of disconnection, in accordance with (c)(3) of this section to a customer who has failed to comply with a deferred payment agreement.

(e) Within 10 days after the date specified on a "Shut-Off Notice", a utility may, without further notice, disconnect service to a customer between the daily business hours of 8:00 a.m. on Monday to 5:00 p.m. on Thursday. Service may not be disconnected on a Friday or a day preceding a holiday.

(f) A utility may not disconnect service to a customer for any of the following reasons:

(1) delinquency in payment for services rendered to a prior customer at the premises where service is being provided, except in

the instance where the prior customer continues to reside on the premises;

(2) failure of the customer to pay for services or equipment not regulated by the commission;

(3) nonpayment of a bill related to another class of service at a different service location;

(4) the customer disputes the amount due on the delinquent account, complies with the utility's tariffed rules on customer bill disputes, and the dispute remains under investigation by the utility or by the commission; however, a customer shall pay any undisputed amount, and the utility may proceed to disconnect service in accordance with this section for failure to pay any undisputed amounts; or

(5) the customer is unable to pay the full delinquent amount due, qualifies under the utility's tariffed eligibility requirements for deferred payment agreements, and is in compliance with a signed, or is in the process of timely negotiating a, deferred payment agreement.

(g) A utility may remove any or all of its property installed on a customer's premises upon disconnection of service.

(h) A utility shall restore service within three working days after correction of the conditions that resulted in the disconnection. Correction includes execution of a deferred payment agreement. If service is restored during a period other than regular working hours at the customer's request, the utility may impose an after-hours charge for reconnection.

(i) Each utility shall maintain a record of each disconnection of service, including the reason for the disconnection. This record must be maintained for two years and must be available for commission inspection. (Eff. 1/1/87, Register 100; am 4/10/92, Register 122; am 11/6/2016, Register 220)

Authority: AS 42.05.141

AS 42.05.151

AS 42.05.291

**3 AAC 52.470. Engineering standards; energy purchase contracts.** (a) A utility shall construct, maintain, and operate its plant in accordance with accepted engineering practices to reasonably assure service reliability, service quality, and the safety of persons and property.

(b) A utility shall design, construct, and maintain generation, transmission, and distribution facilities in conformance with the state minimum electrical safety standards as adopted in AS 18.60.580.

(c) A utility shall normally maintain generating capacity supplemented by the electric power regularly available from other sources, sufficient to meet all reasonable demands for service and provide a reasonable reserve for emergencies. In addition to any other standards imposed by the commission, noninterconnected utilities shall maintain, at a minimum, adequate reserve capacity to cover the loss of the

utility's largest generating unit. Generating capacity assigned to interruptible customers may be considered for reserve capacity determination.

(d) Before entering into a contract with a regulated utility for the purchase of energy, including electrical energy or capacity, natural or manufactured gas, diesel oil or gasoline, or any other fuel source, for a term exceeding 12 months, a utility shall request commission approval in accordance with 3 AAC 48.200 — 3 AAC 48.390 and provide the following information:

- (1) a copy of the proposed contract;
- (2) the load forecasting data that justifies the need for the contract; and
- (3) documentation that the proposed contract is the most feasible means available to the utility for meeting the forecasted load.

(e) Upon entering into a contract with a nonregulated vendor, other than a contract with a qualifying facility as defined in 3 AAC 50.820(11), for the purchase of energy, including electrical energy or capacity, natural or manufactured gas, diesel oil or gasoline, or any other fuel source, for a term exceeding 12 months, a utility shall file with the commission the following information, in accordance with 3 AAC 48.095:

- (1) a copy of the contract;
- (2) the load forecasting data which justifies the need for the contract; and
- (3) documentation that the contract is the most feasible means available for meeting the forecasted load. (Eff. 1/1/87, Register 100; am 1/11/2004, Register 169; am 11/6/2016, Register 220)

**Authority:** AS 42.05.141  
AS 42.05.151

AS 42.05.291

AS 42.05.691

**3 AAC 52.490. Other general information to be furnished to the commission.** (a) A utility shall maintain with the commission

- (1) the location and telephone number of each of its business offices, an emergency telephone number contact, and the normal hours of operation of each office; and
- (2) a plan for notifying customers of a scheduled outage that is appropriate to the utility's available personnel levels and geographic location, and that includes media notification, if applicable.

(b) A utility shall submit information to the commission regarding service outages as follows:

- (1) for an outage that is an immediate threat to the health or safety of customers within the utility's service territory, the commission must be notified immediately by the most expedient means available;
- (2) for an interruption of service, from whatever cause, which affects five percent or more of a utility's total customers or affects a discrete community of customers, and persists for three hours or

more, the written report must include a description of the cause and extent of the outage, and must be filed, in accordance with 3 AAC 48.095, within five working days after service is restored; and

(3) a cumulative 12-month report of its service outages must be filed as a part of the utility's annual report to the commission under AS 42.05.451. (Eff. 1/1/87, Register 100; am 11/6/2016, Register 220)

**Authority:** AS 42.05.141                      AS 42.05.291                      AS 42.05.501  
AS 42.05.151

**Publisher's note:** This regulation is set out above in order to correct misspellings which appear in the main pamphlet.

## Article 6. Adjustment Clause.

<b>Section</b> 504. Filing requirements for electric utilities	<b>Section</b> 506. Filing requirements for gas utilities
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### 3 AAC 52.504. Filing requirements for electric utilities.

(a) An electric utility shall submit each COPA as a tariff filing in compliance with the applicable provisions of 3 AAC 48.200 — 3 AAC 48.380. With its first COPA tariff filing after January 11, 2004, an electric utility must submit a copy of each contract required under 3 AAC 52.470(d) — (e), if that contract is not already on file with the commission.

(b) An electric utility may implement a COPA filing that does not include a new methodology or new cost element immediately upon filing with the commission. The COPA filing is subject to subsequent review, adjustment, and approval by the commission.

(c) If an electric utility seeks, outside of a general rate case, to change its COPA methodology or include any new cost element in its COPA, it must first obtain the commission's approval. In a separate tariff filing, the utility must identify the proposed change in methodology and any new cost element. An electric utility must justify the proposed change in methodology and show that any new cost element meets the criteria of 3 AAC 52.502(a).

(d) For a COPA filing under (b) of this section, an electric utility is not required to give public notice under AS 42.05.411. However, if an electric utility seeks, outside of a general rate case, a change to its COPA methodology, a change to a COPA cost element, or a change to its COPA that the commission considers to be of significant interest to the public, the commission will require notice to the public in a form that the commission considers sufficient for the particular changes proposed.

(e) With each COPA tariff filing, an electric utility must identify the percentage change in the average cost of power and explain the reasons for the change.

(f) Within 45 days after the last day of any month in which the absolute value of the cost-of-power balancing account balance exceeds 10 percent of the electric utility’s annual fuel and purchased power costs, the electric utility shall submit a COPA tariff filing.

(g) With each COPA tariff filing, the electric utility must submit the following information to support entries in the cost-of-power balancing account for the historical period and projections for the future period:

- (1) a copy of each invoice for costs recovered through the COPA;
- (2) records of monthly fuel inventories, and of changes to those inventories;
- (3) a report of actual monthly kilowatt-hour sales by customer class;
- (4) reports by unit of actual monthly
  - (A) gross kilowatt-hour generation; and
  - (B) station service;
- (5) a report showing the actual monthly cost per kilowatt-hour for each fuel and purchased power source, and a brief explanation for any change in that cost;
- (6) a report calculating the monthly margins for economy energy sales and the average price per kilowatt-hour for economy energy purchases;
- (7) the COPA calculation;
- (8) documentation in support of projected costs and sales for the future period;
- (9) a calculation of monthly balances in the cost-of-power balancing account;
- (10) revised tariff sheets;
- (11) other information that the commission considers necessary to explain entries in the cost-of-power balancing account or to explain the proposed COPA calculation.

(h) Repealed 11/6/2016.

(i) An electric utility may request, or the commission may order, the correction or adjustment of actual entries in the cost-of-power balancing account for a one-year period. The utility must describe, quantify, and justify each proposed adjustment. Unless the commission orders otherwise, an error must be corrected through an addition or subtraction to the cumulative over- or under-recovery balance. (Eff. 1/11/2004, Register 169; am 11/6/2016, Register 220)

<b>Authority:</b>	AS 42.05.141	AS 42.05.711	AS 42.45.160
	AS 42.05.151	AS 42.45.110	AS 42.45.170
	AS 42.05.381	AS 42.45.130	

**3 AAC 52.506. Filing requirements for gas utilities.** (a) A gas utility shall submit each GCA as a tariff filing in compliance with the applicable provisions of 3 AAC 48.200 — 3 AAC 48.380. With its first GCA tariff filing after January 11, 2004, a gas utility must submit a

copy of each gas supply contract required under 3 AAC 52.470(d) — (e), if that contract is not already on file with the commission.

(b) A gas utility may implement a GCA revision that does not include a new methodology or new cost element immediately upon filing with the commission. The GCA filing is subject to subsequent review, adjustment, and approval by the commission.

(c) If a gas utility seeks, outside of a general rate case, to change its GCA methodology or include any new cost element in its GCA, the utility must first obtain the commission's approval. In a separate tariff filing, the utility must identify the proposed change in methodology and any new cost element. A gas utility must justify the proposed change in methodology and show that any new cost element meets the criteria of 3 AAC 52.502(a).

(d) For a GCA filing under (b) of this section, a gas utility is not required to give public notice under AS 42.05.411. However, if a gas utility seeks, outside of a general rate case, a change to its GCA methodology, a change to a GCA cost element, or a change to its GCA that the commission considers to be of significant interest to the public, the commission will require notice to the public in a form that the commission considers sufficient for the particular changes proposed.

(e) With each GCA tariff filing, the gas utility must identify the percentage change in the average cost of gas and explain the reasons for the change.

(f) Within 45 days after the last day of any month in which the absolute value of the cost-of-gas balancing account balance exceeds 10 percent of the gas utility's annual gas costs, the gas utility shall submit a GCA tariff filing.

(g) With each GCA tariff filing, the gas utility must submit the following information to support entries in the cost-of-gas balancing account for the historical period and projections for the future period:

- (1) a copy of each invoice for costs recovered through the GCA;
- (2) a report of gas volumes sold by customer class;
- (3) the GCA calculation;
- (4) documentation in support of projected costs and sales for the future period;
- (5) a calculation of monthly balances in the cost-of-gas balancing account;
- (6) revised tariff sheets;
- (7) other information that the commission considers necessary to explain entries in the cost-of-gas balancing account or to explain the proposed GCA calculation.

(h) Repealed 11/6/2016.

(i) A gas utility may request, or the commission may order, the correction or adjustment of actual entries in the cost-of-gas balancing account for a one-year period. The utility must describe, quantify, and justify each proposed adjustment. Unless the commission orders otherwise, an error must be corrected through an addition or subtraction

to the cumulative over- or under-recovery balance. (Eff. 1/11/2004, Register 169; am 11/6/2016, Register 220)

Authority:	AS 42.05.141	AS 42.05.711	AS 42.45.160
	AS 42.05.151	AS 42.45.110	AS 42.45.170
	AS 42.05.381	AS 42.45.130	

Publisher's note: This section is set out in the supplement to include the history that was missing in the main pamphlet.

### Article 7. Criteria for Determination of Power Cost Equalization.

Section 640. Adjustments to power cost equalization	Section 660. Annual filing requirements
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**3 AAC 52.640. Adjustments to power cost equalization.** (a) A regulated participating electric utility shall request a change in its power cost equalization per kilowatt-hour in conjunction with a request for

(1) approval of tariff filing under 3 AAC 52.501 — 3 AAC 52.519; or

(2) a permanent or interim rate change that establishes higher or lower nonfuel costs for the utility.

(b) A nonregulated participating electric utility shall request, in accordance with 3 AAC 48.095, a change in its power cost equalization per kilowatt-hour if the utility has

(1) experienced a change in its fuel or purchased power costs; or  
(2) changed its rates.

(c) The commission will, in its discretion, adjust the power cost equalization per kilowatt-hour of a participating electric utility based on

(1) a review by the commission or by the Alaska Energy Authority of monthly data submitted by the utility to the Alaska Energy Authority;

(2) a review of the annual filing submitted by the utility;

(3) any other evidence that the power cost equalization per kilowatt-hour of the utility is not just and reasonable; or

(4) a determination by the Alaska Energy Authority that appropriations are insufficient to finance full payments to eligible electric utilities, in which case the power cost equalization per kilowatt-hour of each participating utility will be reduced by an equal percentage.

(d) A regulated participating electric utility shall submit in support of each request for adjustment of its power cost equalization per kilowatt-hour

(1) a tariff advice letter under 3 AAC 48.270;

(2) tariff sheets that show the amount of power cost equalization per eligible kilowatt-hour requested;



(3) a schedule showing the computation of the requested power cost equalization per kilowatt-hour for each rate schedule;

(4) a summary of the data necessary for determination of the power cost equalization per kilowatt-hour; and

(5) documentation of all data submitted under (4) of this subsection, except that in the case of a request for an adjustment of power cost equalization per kilowatt-hour that is in conjunction with a request for a fuel surcharge rate change, the utility shall rely on the nonfuel costs per kilowatt-hour established in its most recent general rate case.

(e) A nonregulated participating electric utility shall submit in support of each request for an adjustment of its power cost equalization level

(1) a written statement of the power cost equalization per kilowatt-hour requested and the name of the person responsible for providing information in support of the request;

(2) a copy or summary of all effective rate schedules for each customer class, stating the current charges without power cost equalization;

(3) a schedule showing the computation of the power cost equalization per kilowatt-hour for each rate schedule;

(4) a summary of all data necessary for determination of power cost equalization per kilowatt-hour; and

(5) documentation, including a copy of the most recent fuel bill, of all data submitted under (4) of this subsection, except that in the case of a request for an adjustment of power cost equalization per kilowatt-hour that is in conjunction with a change in fuel or purchased power costs only, the utility shall rely on the nonfuel power costs per kilowatt-hour established in the approval of its most recent power cost equalization change.

(f) A participating electric utility shall file with the commission a periodic fuel or purchased power cost report as follows:

(1) for a regulated participating electric utility, the report required by this subsection is the tariff filing required under 3 AAC 52.501 — 3 AAC 52.519;

(2) for a nonregulated participating electric utility, except as provided in (g) of this section, the report required by this subsection shall be filed, in accordance with 3 AAC 48.095, on the dates and forms prescribed by the commission based on the historical frequency of a utility's fuel and power purchases and shall include all of the following information or supporting documents:

(A) the name of the utility;

(B) the reporting period;

(C) the weighted average cost per gallon of beginning fuel inventory;

(D) total beginning fuel inventory in gallons and dollars;

(E) for each fuel purchase during the reporting period, the

- (i) invoice number;
- (ii) delivery date;
- (iii) gallons of fuel purchased;
- (iv) cost per gallon;
- (v) delivery or markup cost per gallon; and
- (vi) total cost of the fuel purchase;

(F) total gallons and cost of fuel purchased during the reporting period;

(G) total kilowatt-hours and cost of power purchased during the reporting period;

(H) copies of invoices for each fuel purchase and delivery charges reported for the period;

(I) a schedule showing the calculation of any delivery charge or markup from affiliated fuel suppliers;

(J) copies of invoices for each power purchase in the reporting period.

(g) Notwithstanding (f)(2) of this section, a nonregulated utility with an approved methodology of prescheduled fuel cost reporting on April 28, 2005 may continue to use its approved methodology unless the commission orders otherwise. (Eff. 10/28/89, Register 112; am 5/18/96, Register 138; am 9/11/2004, Register 171; am 4/28/2005, Register 174; am 11/6/2016, Register 220)

Authority:	AS 42.05.141	AS 42.45.110	AS 42.45.160
	AS 42.05.151	AS 42.45.130	AS 42.45.170

**3 AAC 52.660. Annual filing requirements.** (a) In order for the commission to determine whether the power cost equalization per kilowatt-hour of a participating electric utility is just and reasonable, a utility shall annually file, in accordance with 3 AAC 48.095, a report for review.

(b) For a regulated participating electric utility, the report required by (a) of this section is the annual report required under AS 42.05.451(b).

(c) For a nonregulated participating electric utility, the report required by (a) of this section must be filed on the date specified by the commission by order and include the following information:

(1) a copy or summary of the effective rate schedule for each customer class, stating the current charges without power cost equalization;

(2) a statement of assets, liabilities, and other credits as of the end of the calendar or fiscal year being reported;

(3) a statement of income and operating expenses for the calendar or fiscal year being reported;

(4) a schedule of utility plant and depreciation for the calendar or fiscal year being reported, showing

(A) plant in service; and

(B) for each plant account,

- (i) depreciation expense;
- (ii) the depreciation method;
- (iii) asset life;
- (iv) net salvage used for computing depreciation expense;
- (v) the end-of-year balance; and
- (vi) the related account for accumulated depreciation;

(5) a schedule of monthly kilowatt-hour generation and sales, monthly fuel consumption, and monthly fuel balances and purchases; a utility that does not rely exclusively on diesel generation must separately report its hydroelectric generation, wind generation, and purchased power, as applicable.

(d) The report required by (a) of this section must be accompanied by

(1) audited financial statements if the utility had a financial audit performed for the calendar or fiscal year being reported; and

(2) a trial balance, if the utility maintains its records using a computerized accounting system; a nonregulated participating electric utility that does not maintain its records using a computerized accounting system must include manually prepared schedules showing the calculations used to prepare the statement of income and operating expenses required in (c)(3) of this section.

(Eff. 10/28/89, Register 112; am 9/11/2004, Register 171; am 11/6/2016, Register 220)

<b>Authority:</b> AS 42.05.141	AS 42.45.110	AS 42.45.160
AS 42.05.151	AS 42.45.130	AS 42.45.170

**Article 8. Water and Wastewater Utilities.**

<b>Section</b>	<b>Section</b>
722. Application for provisional certification	726. Customer complaints
724. Continuing requirements	732. Tariffs revisions

**3 AAC 52.722. Application for provisional certification.** (a) A utility that is eligible under 3 AAC 52.720 to apply for provisional certification must provide the following information in accordance with 3 AAC 48.095 and on a form prescribed by the commission:

- (1) the utility’s legal name and the name under which it proposes to do business;
- (2) the address of the utility’s principal national place of business, and, if different, its place of business in this state;
- (3) the name, title, and telephone number of the individual who is available to provide the commission with information about the application;
- (4) the applicant’s type of business structure, including
  - (A) proof of incorporation, registration, or certification, if applicable; and
  - (B) the name and address of the applicant’s registered agent, if applicable;

(5) for entities qualified for provisional certification under 3 AAC 52.720(b)(2), an affidavit stating

(A) the utility's annual accounting period and annual gross revenue for the most recent fiscal year; or

(B) projected revenues for the first full fiscal year if the utility is a new water or wastewater utility that has not begun providing service or that has not completed a full fiscal year of service;

(6) a written description and a map of the utility's proposed service area;

(7) a copy of the bylaws for any community association or cooperative;

(8) the classes of service and the number of service connections the utility is serving in each class, along with information detailing any planned expansions;

(9) a tariff meeting the requirements of 3 AAC 52.730 — 3 AAC 52.740;

(10) an informational filing detailing the rates the utility will charge for the classes of service available and the amount and source of revenues that are not derived from customer charges;

(11) a verification signed by the person authorized to sign on behalf of the applicant that all of the information provided in the application is true, accurate, and complete;

(12) an application fee of \$300.

(b) A previously certificated water or wastewater utility that is eligible for provisional certification under 3 AAC 52.720 and that does not have a proceeding pending before the commission may return the utility's certificate parchment to the commission and apply for provisional certification as provided in (a) of this section. The utility is not required to re-submit previously filed information unless the information is not currently correct.

(c) If the commission finds that an application for provisional certification is incomplete, the commission will, by letter, notify the applicant of the additional information needed to complete the application. A provisional certificate will be issued within 90 days after the receipt of a complete application that the commission finds to be in the public interest.

(d) An applicant for a provisional certificate of public convenience and necessity is exempt from the public notice provisions of 3 AAC 48.645.

(e) For good cause, the commission may revoke a provisional certificate, suspend the utility's operating authority, require additional information, or take other appropriate action to protect the public. If the commission issues an order under this section, the order will be stayed if the utility requests a hearing within 10 days after the date of the order. (Eff. 6/19/2004, Register 170; am 6/3/2007, Register 182; am 11/6/2016, Register 220)

Authority:	AS 42.05.141	AS 42.05.241	AS 42.05.271
	AS 42.05.151	AS 42.05.254	AS 42.05.691
	AS 42.05.221		

**3 AAC 52.724. Continuing requirements.** (a) A provisionally certificated utility shall file, in accordance with 3 AAC 48.095, the following information each year, no later than 180 days after the close of the utility's annual accounting period:

(1) a fee of \$100;

(2) an affidavit stating that the utility continues to meet the qualifications for provisional certification set out in 3 AAC 52.720;

(3) a statement of any changes to information submitted with the utility's application for provisional certification;

(4) a statement of revenue and expense for the last fiscal year on a form prescribed by the commission; the utility must identify all sources of revenue including customer fees and operational subsidies from other sources; to comply with this paragraph

(A) the utility may file a combined water and wastewater statement using at least the following accounts, if applicable to that utility: income account 400 and associated subaccounts and expense accounts 401, 403, 408.1, 409.1, 421, and 427 as described in the Uniform System of Accounts for Class D water utilities prescribed under 3 AAC 48.277(a)(17);

(B) the utility may file a separate water and wastewater statement using at least the following accounts, if applicable to that utility:

(i) for water, income account 400 and associated subaccounts and expense accounts 401, 403, 408.1, 409.1, 421, and 427 as described in the Uniform System of Accounts for Class D water utilities prescribed under 3 AAC 48.277(a)(17);

(ii) for wastewater, income account 400 and associated subaccounts and expense accounts 401, 402, 403, 408, 409, 421, and 427 as described in the Uniform System of Accounts for Class D sewer utilities prescribed under 3 AAC 48.277(a)(27);

(5) the following information from the utility's reporting period, on a form prescribed by the commission:

(A) the number of active connections by customer class and the monthly user fees associated with them;

(B) the total water production for the fiscal year;

(C) the yearly water consumption of each individually metered user.

(b) Repealed 6/3/2007.

(c) A provisionally certified utility must submit an application as provided in 3 AAC 52.722 before modifying its service area. A utility filing for a service area amendment must include the revised portions of its tariff with its application.

(d) If a provisionally certificated utility does not timely file the information required in this section, the commission may post notice of

the violation on the commission's web site, or may, after notice to the utility, issue an order revoking the utility's provisional certificate. If the commission revokes a utility's provisional certificate under this section, the order will be stayed if the utility requests a hearing within 10 days after the date of the order. (Eff. 6/19/2004, Register 170; am 6/3/2007, Register 182; am 11/6/2016, Register 220)

Authority: AS 42.05.141                      AS 42.05.241                      AS 42.05.451  
                  AS 42.05.151                      AS 42.05.254                      AS 42.05.691  
                  AS 42.05.221

**3 AAC 52.726. Customer complaints.** (a) A provisionally certificated utility shall include the following statement on each bill sent to a customer:

“You should contact us first if you have a complaint about your water or wastewater service. If you are not satisfied after contacting us, you may then file a complaint with the Regulatory Commission of Alaska on paper at 701 West Eighth Avenue, Suite 300, Anchorage, Alaska 99501, electronically by means of the commission's website at (Internet website address), or telephonically at 1-800-390-2782, or TDD (907) 276-4533.”

(b) Upon receipt of an informal complaint under 3 AAC 48.120 about a provisionally certificated utility, the commission will contact the provisionally certificated utility to verify that its most recently filed tariff is still effective or to obtain any updates to the tariff. The provisionally certificated utility shall provide any tariff updates within 10 business days after the commission's request. If an informal complaint is not resolved or is appealed by the customer or utility, a formal complaint may be made as provided in 3 AAC 48.130. (Eff. 6/19/2004, Register 170; am 11/6/2016, Register 220)

Authority: AS 42.05.141                      AS 42.05.151

**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 48.240 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)

Authority: AS 42.05.141                      AS 42.05.151                      AS 42.05.361

## Article 10. Joint Use of Utility Facilities.

Section  
900. Application and purpose

Section  
930. Procedure

**3 AAC 52.900. Application and purpose.** (a) The provisions of 3 AAC 52.900 — 3 AAC 52.940 apply to all utilities included in the definition of “public utility” in AS 42.05.990.

(b) The purpose of 3 AAC 52.900 — 3 AAC 52.940 is to establish a method for reasonable compensation for joint use if a utility owning a pole and another utility fail to agree on compensation for joint use of the pole. An agreement for joint use must be filed with the commission in accordance with 3 AAC 48.095. Absent unusual circumstances, the commission will assert its authority over joint use only if the utilities disagree on the terms of joint use or a joint use agreement, or if the commission has reason to believe that the utilities are not acting in accordance with the intent of AS 42.05. (Eff. 5/8/88, Register 106; am 2/2/2003, Register 165; am 11/6/2016, Register 220)

**Authority:** AS 42.05.151                      AS 42.05.311                      AS 42.05.321

**3 AAC 52.930. Procedure.** If an attaching utility and a pole-owning utility cannot reach agreement on a joint-use issue, including compensation, a complaint may be filed with the commission, and served on the other party, in accordance with 3 AAC 48.095, setting out the relevant facts and asking for relief. The other party may file an answer to the complaint within 20 days after service of that complaint. (Eff. 5/8/88, Register 106; am 2/2/2003, Register 165; am 11/6/2016, Register 220)

**Authority:** AS 42.05.151                      AS 42.05.311                      AS 42.05.321

## Chapter 53. Telecommunications.

### Article

4. Local Exchange Competition (3 AAC 53.200 — 3 AAC 53.299)
5. Universal Service Fund (3 AAC 53.300 — 3 AAC 53.399)
6. Eligible Telecommunications Carrier Designation (3 AAC 53.400 — 3 AAC 53.499)
8. Criteria for the Provision of Statewide Directory Assistance (3 AAC 53.610 — 3 AAC 53.660)
10. Public Interest Pay Telephone Service (3 AAC 53.740 — 3 AAC 53.799)

### Article 4. Local Exchange Competition.

#### Section

243. Retail services for which there is no dominant carrier
245. Competitive entry rate modification

#### Section

265. Local exchange carriers of last resort
290. Miscellaneous provisions

**3 AAC 53.243. Retail services for which there is no dominant carrier.** (a) This section applies to retail services, including any services specified in 3 AAC 53.220(c) or provided for under 3 AAC 53.220(e), if there is no local exchange carrier in the competitive local exchange market with dominant carrier status for the services. Notwithstanding any other provisions of this section or 3 AAC 53.220, in a competitive local exchange market that is served by a local exchange carrier that is exempt from economic regulation under the provision of AS 42.05.711(b) or under the provisions of AS 42.05.711(h) and 42.05.712, this section applies to all other local exchange carriers serving that local exchange market.

(b) A nondominant carrier shall maintain a current tariff of retail rates and services, and all special contracts for retail rates and services on the carrier's website. The carrier must also either maintain a written copy of its current tariff of retail rates and all special contracts for retail rates or provide customers electronic access to that tariff and each special contract at the carrier's primary business office. The carrier must notify the commission of the carrier's website address, including any changes to the address.

(c) Without approval of the commission, and after compliance with the requirements of (d) and (e) of this section, a local exchange carrier may implement

(1) a change to retail rates and terms and conditions for local exchange service;

(2) a new retail service;

(3) a modification to an existing retail service;

(4) a bundled service that includes a local exchange service component unless the bundled service also includes a discounted intrastate interexchange component;

(5) a special contract for retail rates and services, if it

(A) includes a statement that the special contract is, at all times, subject to revision by the commission; and

(B) is not associated with a petition for confidential treatment filed under 3 AAC 48.045; and



(6) a change in general rules and regulations for local exchange service.

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

(1) post a notice

(A) summarizing the rate, service, rule or regulation changes, or the terms and parties to the special contract, as applicable, in a prominent and easily accessible location on the carrier's website for at least 30 days after implementation; and

(B) including statements that the filing is available for inspection at the commission's office, that comments may be filed with the commission, and identifying a carrier point of contact; and

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

(A) a statement that the filing is submitted under 3 AAC 53.243;

(B) a summary of the tariff changes identified either in the body of the letter or by attaching to the letter a document that clearly identifies and highlights additions and deletions on tariff sheets by the use of underlining and bold print to show additions and bracketed all caps to show deletions;

(C) a working link to the notice required under (1) of this subsection to be posted on the carrier's website; and

(D) if the tariff revision is for a special contract,

(i) an update of the carrier's list of special contracts;

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

(iii) a complete copy of the new special contract.

(e) The provisions of 3 AAC 48.330 — 3 AAC 48.340, 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:

(1) the tariff of a local exchange carrier operating under this section must contain

(A) a title page, including

(i) the carrier's physical address;

(ii) the carrier's website address;

(iii) the tariff number;

(iv) the title "Local Exchange Service Tariff"; and

(v) a listing of the exchanges to which the tariff applies;

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

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

- (D) a complete set of general rules and regulations;
- (E) service terms and conditions governing the services offered by the carrier;
- (F) a complete set of all rates and charges for each class of service offered, or for each customer group; and
- (G) a list of current special contracts;

(2) each page of the local exchange service tariff must be legible and formatted to print eight and one-half by eleven inches in size, and must include the following information:

- (A) the name of the carrier;
- (B) the number of the carrier's certificate of public convenience and necessity;
- (C) the tariff advice number;
- (D) the tariff sheet number;
- (E) the proposed effective date of the tariff sheet;
- (F) the tariff revision numbers; and
- (G) margin notations set out in 3 AAC 48.360(i) and (j) indicating changes.

(f) A tariff revision or special contract submitted under this section will be rejected by the commission, within five business days, if

- (1) the revision or special contract does not qualify for filing under (a) and (c) of this section;
- (2) the revision or special contract does not comply with the requirements in (d) of this section; or
- (3) the special contract filed does not include the provision required in 3 AAC 48.390(a)(2).

(g) A tariff revision or special contract that does not comply with the requirements of (c) of this section or includes a service for which there is a dominant carrier must be submitted under 3 AAC 53.240.

(h) The commission may investigate any tariff or special contract implemented and in effect under this section. The commission will deny and require modification of any tariff revision or special contract if the commission determines that the tariff revision or special contract is unduly discriminatory and is not reasonable. (Eff. 9/16/2005, Register 175; am 8/20/2016, Register 219; am 11/6/2016, Register 220)

<b>Authority:</b>	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. Competitive entry rate modification.** (a) An incumbent local exchange carrier may petition the commission to modify its existing retail local exchange rates to establish new rates for the noncompetitive area if the carrier

- (1) is a rural telephone company as defined in 47 U.S.C. 153(44); and

(2) demonstrates that a competitor may enter the incumbent local exchange carrier's service area.

(b) An incumbent local exchange carrier that is not a rural telephone company as defined in 47 U.S.C. 153(44), or that cannot make the demonstration required by (a)(2) of this section, may petition the commission for approval to use the provisions of (d) — (h) of this section to propose modifications of the carrier's existing retail local exchange rates for the noncompetitive areas. The carrier must obtain approval of its petition before filing a rate modification proposal under this section. The commission may grant a petition filed under this subsection if the carrier demonstrates that using the provisions of (d) — (h) of this section is in the public interest.

(c) A petition for permanent rate modification, filed under this section by an incumbent local exchange carrier, and as approved by the commission, becomes effective only upon approval of the competitor's application for certification or eligible telecommunications carrier designation in the incumbent local carrier's service area.

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

(1) a reference to this section and a description of the service or group of services that are or may become competitive in one or more portions of the incumbent carrier's service area and, if applicable, the docket number of the competitor's application proceeding;

(2) a study in support of the rate modification; the study must be based on

(A) the incumbent carrier's most recent revenue requirement study or cost-of-service and rate design study, including demand levels from the test year if the revenue requirement study or cost-of-service and rate design study was approved within the previous three years;

(B) a new revenue requirement developed under 3 AAC 48.275; or

(C) on a revenue requirement developed under 3 AAC 53.010 — 3 AAC 53.140;

(3) a detailed description and an explanation of the method used to determine the revenue requirement, demand, and rates proposed for each exchange including

(A) all accounts or subaccounts and the amounts that are directly assigned to each exchange;

(B) all accounts or subaccounts and the amounts that are allocated among the exchanges, together with a description of the allocation methodology and the basis for the factors used; and

(C) an analysis demonstrating that the sum of the revenue requirements for the exchanges in noncompetitive areas plus the exchanges in competitive local exchange markets equals

(i) the total company local revenue requirement approved by the commission within the three previous years; or

- (ii) a local revenue requirement developed under either 3 AAC 48.275 or 3 AAC 53.010 — 3 AAC 53.140;
  - (4) a copy of the carrier's federal universal service fund disaggregation plan filing under 47 C.F.R. 54.315;
  - (5) an explanation of how the cost allocations and universal service fund assignments used in the proposed rate modification are consistent with or different from the cost allocations and universal service fund assignments from the carrier's federal universal service fund disaggregation plan filing;
  - (6) supporting data and reasons why the cost differences by exchange cannot or should not be addressed through the current or an amended federal universal service fund disaggregation plan filing;
  - (7) a description of the operating revenues by exchange based on billing records from the test year used to develop the revenue requirement;
  - (8) a description of the methodology used to allocate all operating revenues that are not specifically related to an exchange;
  - (9) existing rates for discretionary services and non-recurring charges;
  - (10) a cost allocation manual, developed consistent with the cost allocation principles of 47 C.F.R. 64.901, as revised as of October 1, 2004 and adopted by reference, with costs for competitive local exchange markets treated like nonregulated costs; the cost allocation manual must specify how the incumbent local exchange carrier will separate nonregulated costs and costs for competitive local exchange markets from regulated costs for noncompetitive areas; the cost allocation manual must remain in effect until completion of the carrier's next general rate case or until otherwise ordered by the commission; however, if an incumbent local exchange carrier received approval under (b) of this section to use the provisions of (d) — (h) of this section to propose modifications to the carrier's existing retail local exchange rates, the carrier is not required to file a cost allocation manual under this paragraph.
- (e) A petition for a rate modification filed under this section may include
- (1) deaveraged rates for private line services based on differences in cost between exchanges; and
  - (2) a differential between basic residential rates and business rates within the same exchange area with a detailed explanation and a justification for any change in the differential between basic residential rates and business rates.
- (f) A local exchange carrier may petition the commission to implement, on an interim and refundable basis, its rate modification proposal in the noncompetitive areas
- (1) on the date a competitor is granted a certificate of public convenience and necessity;

(2) when a competitor is designated as an eligible telecommunications carrier in the local exchange carrier's service area; or

(3) on the date a competitor offers services to a customer for compensation, if

(A) a complete petition for rate modification is filed with the commission; and

(B) the commission has not previously approved or denied the petition to modify rates.

(g) Any information required under (d) of this section may also be filed in the docket relating to the competitor's application for certification or for eligible telecommunications carrier designation to aid in the commission's consideration of the application.

(h) Upon petition, or on its own motion, for good cause, the commission may delay or advance the implementation of a rate modification proposal that is the subject of a petition under (f) of this section.

(i) In this section, "general rate case" means a proceeding, initiated by a filing with supporting information described in 3 AAC 48.275, in which the commission reviews the local exchange carrier's costs and revenues to establish rates (Eff. 9/16/2005, Register 175; am 11/6/2016, Register 220)

**Authority:** AS 42.05.141                      AS 42.05.381                      AS 42.05.421  
AS 42.05.151

**3 AAC 53.265. Local exchange carriers of last resort.** (a) A local exchange carrier that is designated as a carrier of last resort

(1) shall provide and maintain adequate, efficient, and safe facilities-based essential retail and carrier-to-carrier telecommunication services of similar quality throughout its carrier of last resort area; and

(2) may not allow any diminution of quality or availability of essential retail and carrier-to-carrier telecommunication services throughout its carrier of last resort area after designation.

(b) The commission will not designate a carrier of last resort in a study area that is not served by a rural telephone company as defined in 47 U.S.C. 153(44). The commission will designate one carrier of last resort for each carrier of last resort area that is in the study area of a rural telephone company as defined in 47 U.S.C. 153(44). Absent a request under (q) of this section, the carrier of last resort area is the same area as the incumbent local exchange carrier's study area.

(c) In a study area that does not include a competitive local exchange market, the incumbent local exchange carrier is designated the carrier of last resort, without the need to file a petition under this section, unless otherwise ordered by the commission.

(d) In a carrier of last resort area identified in (b) of this section that includes one or more competitive local exchange markets, the commission will, by order, designate the incumbent local exchange carrier as the temporary carrier of last resort until the commission selects a

permanent carrier of last resort. Upon designation of a temporary carrier of last resort, the commission will open a docket of investigation on its own motion and will, for a period of 30 days, invite notices of intent to file petitions from parties seeking permanent carrier of last resort status for that study area. The designation of a carrier as a temporary carrier of last resort is not a factor in the decision the commission makes on selection of a permanent carrier of last resort in the event of competing applications. If a temporary carrier of last resort is the only carrier to file a notice of intent to file a petition seeking permanent carrier of last resort status, the petition for permanent carrier of last resort status must include the information in (o) of this section. If more than one carrier files a notice of intent, or if a carrier other than the temporary carrier of last resort is the only carrier to file a notice of intent, a petition filed by a carrier for permanent carrier of last resort status must include the information in (p) of this section. If no carrier files a petition to be the permanent carrier of last resort, the commission will, absent a determination of good cause to the contrary, select the temporary carrier as the permanent carrier of last resort.

(e) If the permanent carrier of last resort is unable to perform the duties of a local exchange carrier of last resort for a particular portion of a carrier of last resort area or throughout the carrier of last resort area, the commission may require a carrier that is not the carrier of last resort to act as the emergency carrier of last resort for essential retail and carrier-to-carrier services. The commission may limit the essential retail services the emergency carrier of last resort must provide. During the period of designation, the emergency carrier of last resort shall receive proportionately the identical level of Alaska Universal Service Fund support as the permanent carrier of last resort receives under 3 AAC 53.350, based on the ratio of the number of retail lines served by the emergency carrier of last resort to the total number of retail lines in the carrier of last resort area. However, if the commission determines that the average cost per line of lines served by the emergency carrier of last resort is materially different from the average cost per line of lines served by the permanent carrier of last resort, the commission may apply an appropriate weighting factor to the support computation. During the period when an emergency carrier of last resort is designated, the permanent carrier of last resort's Alaska Universal Service Fund support shall be reduced by the amount that the emergency carrier of last resort receives under 3 AAC 53.350.

(f) Designation as temporary carrier of last resort under (d) of this section or designation as an emergency carrier of last resort under (e) of this section may not exceed a period of 36 months, unless extended by the commission, after notice, for good cause.

(g) A local exchange carrier of last resort shall provide essential retail and carrier-to-carrier services throughout its carrier of last

resort area without reliance on any other carrier network, if all other carriers operating in the area leave the market. However, nothing in this subsection prohibits a local exchange carrier of last resort from continuing to rely on the facilities of an affiliate or other third party that it has historically used to provide essential retail and carrier-to-carrier services in a discrete portion of its carrier of last resort area. Notwithstanding the requirements of this subsection, the commission may allow, after notice and an opportunity for hearing, a local exchange carrier of last resort or carrier of last resort applicant to fulfill its carrier of last resort responsibilities to cover a discrete portion of a carrier of last resort area with facilities owned by a third party or an affiliate, if

(1) essential retail and carrier-to-carrier services have not historically been provided to the specific area through wireline facilities;

(2) the third-party or affiliate facilities are able to provide essential retail and carrier-to-carrier services in accordance with the requirements of this section;

(3) a contract exists between the local exchange carrier of last resort and the third party or affiliate to provide essential retail and carrier-to-carrier services in accordance with the requirements of this section, and to maintain the facilities to the extent necessary for the local exchange carrier of last resort to meet its carrier of last resort responsibilities and at a similar level of quality as available in the remainder of the study area; and

(4) provision of carrier of last resort service using third-party or affiliate facilities is consistent with the public interest.

(h) Notwithstanding (g) of this section, the commission, for good cause and after notice and an opportunity for hearing, may revoke a local exchange carrier of last resort's ability to meet its carrier of last resort responsibilities using the facilities of a third party or an affiliate, and may require a carrier of last resort to provide service by another means.

(i) A local exchange carrier of last resort shall offer each of the following essential retail services using its own facilities within each exchange of its carrier of last resort area and as part of any extended area service arrangement:

- (1) two-way, voice grade access to the public switched network;
- (2) unlimited local calling;
- (3) dual-tone multi-frequency signaling or its functional equivalent;
- (4) single-party service or its functional equivalent;
- (5) private line service or its functional equivalent;
- (6) access to emergency services;
- (7) access to operator services;
- (8) access to interexchange services;
- (9) special access;
- (10) access to directory assistance;

- (11) toll-blocking limitation for qualifying low-income customers;
- (12) lifeline and link up services;
- (13) special construction;
- (14) provision of service to subdivisions;
- (15) line extension services;
- (16) substitute services to the customers of a failing competitor, if directed by the commission;
- (17) other services that the commission determines to be in the public interest.

(j) A local exchange carrier of last resort shall offer, upon reasonable request, each of the following essential carrier-to-carrier services within each exchange of its carrier of last resort area and as part of any extended area service arrangement:

- (1) local private line service, or its functional equivalent;
- (2) intrastate access services;
- (3) interstate access services;
- (4) resale of retail services;
- (5) other services as may be required under federal law or by the commission, after notice and an opportunity for hearing.

(k) A local exchange carrier of last resort shall have a line extension policy in its effective tariff or, in the case of a carrier of last resort not subject to economic regulation by the commission, approved by its governing body. The carrier's line extension policy

- (1) may not unduly discourage customers from obtaining service;
- (2) may not unduly impact existing customers for the cost of serving prospective remotely located customers; and
- (3) must adequately take into consideration universal service support payments to the carrier, including the potential for cost of construction to be paid in part or in whole through universal service support.

(l) Notwithstanding (k) of this section, a local exchange carrier of last resort may not charge a line extension fee to a customer where a line extension would be reasonably profitable without a line extension fee and taking into consideration universal service support payments to the carrier.

(m) No later than 14 business days after denying a request for service, a local exchange carrier of last resort shall submit, to the commission's staff with oversight of consumer protection, and in accordance with 3 AAC 48.095, a report regarding the denial of the request for service. The report must include

- (1) a detailed explanation of why the service request was determined unreasonable; and
- (2) a preliminary cost estimate if the service request was for a line extension.

(n) After designating a permanent carrier of last resort under (d) of this section, the commission may, upon petition or its own motion, after notice and an opportunity for hearing, withdraw a carrier's permanent



carrier of last resort designation and reassign it to a carrier that is an eligible telecommunications carrier in the carrier of last resort area, if

(1) the commission finds that

(A) the current carrier of last resort

(i) is financially or technically unable to provide carrier of last resort services in a carrier of last resort area; or

(ii) has failed to provide all required essential retail and carrier-to-carrier services throughout the carrier of last resort area; and

(B) withdrawal is in the public interest; or

(2) an alternative carrier petitions under (r) of this section to replace the designated carrier of last resort and the commission approves the petition.

(o) If a temporary carrier of last resort is the only carrier to file a notice of intent under (d) of this section, a petition filed by a temporary carrier of last resort proposing to be designated as permanent carrier of last resort must include

(1) the petitioning carrier's legal name, name under which business is conducted, and address;

(2) the name, title, and telephone number of the individual who is the liaison with the commission regarding the request;

(3) a description of the proposed carrier of last resort area; and

(4) a sworn statement by an officer of the carrier that the carrier fulfills all of the requirements imposed under this section on a local exchange carrier of last resort and that the carrier will continue to fulfill those requirements.

(p) If more than one carrier files a notice of intent under (d) of this section, or if a carrier other than the temporary carrier of last resort is the only carrier to file a notice of intent under (d) of this section, a petition filed by a carrier proposing to be designated as carrier of last resort must include

(1) the petitioning carrier's legal name, name under which business is conducted, and address;

(2) the name, title, and telephone number of the individual who is the liaison with the commission regarding the request;

(3) a legal description by township and range of the proposed carrier of last resort area;

(4) one or more maps of the proposed carrier of last resort area in sufficient geographic detail to confirm the legal description in township and range of the proposed carrier of last resort area, or a statement that those maps are on file with the commission as they are identical to the incumbent carrier's certificated service area; if the incumbent carrier is the incumbent for more than one study area per certificated service area, the petitioning carrier must clearly identify the proposed carrier of last resort area;

(5) a map of the carrier's network and verification that services are provided over the carrier's own facilities, with the map showing the proposed carrier of last resort area boundary;

(6) a description of the carrier's major network facilities by exchange within the proposed carrier of last resort area;

(7) a demonstration that the petitioning carrier

(A) occupies, in the market for local telephone exchange service within the carrier of last resort area under petition, a position that is comparable to the position occupied by the existing carrier of last resort; and

(B) can provide the essential retail and carrier-to-carrier services required of a local exchange carrier of last resort upon designation or with minimal facility upgrade;

(8) a demonstration that the petitioning carrier is committed and able to meet the requirements imposed under this section on a local exchange carrier of last resort in the proposed carrier of last resort area upon designation or with minimal facility upgrade; and

(9) an explanation why granting the petition for carrier of last resort status

(A) is consistent with the public interest and with public convenience and necessity; and

(B) advances universal service principles under 47 U.S.C. 254(b) based on the ubiquity of service, quality of service, extent to which the petitioning carrier relies on the facilities of another carrier, cost of operating the petitioning carrier's network, and other relevant factors.

(q) A petitioning carrier may petition for a carrier of last resort area that is less than the temporary or permanent carrier of last resort's entire study area, but not including partial exchanges, if the temporary or permanent carrier of last resort has disaggregated its federal high-cost support under 47 C.F.R. 54.315 and has deaveraged its local or access rates. The petitioning carrier must show that designating an area that is less than the entire study area is in the public interest and advances universal service principles under 47 U.S.C. 254(b).

(r) The commission will accept a petition under (n)(2) of this section to replace the permanent carrier of last resort only after the carrier of last resort has been so designated for a period of five years. A carrier must file, 90 days before filing that petition, a notice of intent to file a petition to replace the permanent carrier of last resort. The commission will issue a notice of the filing of a notice of intent to file a petition, and will set deadlines for comments.

(s) The commission will open an investigation on its own motion if it receives a petition filed under (r) of this section. In the initiating order, the commission will

(1) invite the existing carrier of last resort to file a competing petition to remain the carrier of last resort for that carrier of last resort area;

(2) invite other carriers wishing to be designated as a carrier of last resort to file competing petitions to become the carrier of last resort for that carrier of last resort area;

(3) establish a deadline for the filing under (1) and (2) of this subsection of competing petitions; those petitions must include the information required under (p) of this section; and

(4) provide an opportunity for the petitioning carrier to update, on or before the deadline set under (3) of this subsection, the information filed in the carrier's petition.

(t) A petition by a carrier of last resort to discontinue, suspend, abandon, or diminish the quality of essential retail and carrier-to-carrier services in any portion of its carrier of last resort area must

(1) include a plan to transfer customers to another carrier that is fit, willing, and capable of functioning as a local exchange carrier of last resort in that portion of the carrier of last resort area or a demonstration that continued service to that portion of the carrier of last resort area is no longer in the public interest;

(2) include a demonstration of why the relief requested is in the public interest and will not result in a diminution of essential retail and carrier-to-carrier services to the public;

(3) be filed at least six months before the date proposed for the discontinuance, suspension, abandonment, or diminution, if another facilities-based carrier is fit, willing, and capable of immediately serving the exiting carrier's customer base; and

(4) be filed at least 18 months before the date proposed for the discontinuance, suspension, abandonment, or diminution, if no other facilities-based carrier is fit, willing, and capable of immediately serving the exiting carrier's customer base.

(u) A local exchange carrier of last resort may not discontinue, suspend, abandon, or diminish the quality of essential retail and carrier-to-carrier services in any portion of its carrier of last resort area until

(1) the commission finds that the public interest requires the modification, termination, or transfer of the carrier of last resort designation;

(2) the commission has designated, by order, an alternative carrier of last resort, if necessary to ensure continued carrier of last resort service;

(3) the alternative carrier of last resort is meeting, throughout the carrier of last resort area, the requirements imposed under this section on a local exchange carrier of last resort, including provision of essential retail and carrier-to-carrier services; and

(4) the commission issues an order withdrawing carrier of last resort status.

(v) Nothing in this section relieves a carrier from compliance with the requirements of AS 42.05. (Eff. 7/31/2011, Register 199; am 11/6/2016, Register 220)

Authority: AS 42.05.141                    AS 42.05.261                    AS 42.05.291  
                 AS 42.05.145                    AS 42.05.271                    AS 42.05.301  
                 AS 42.05.151

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

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

(2) 3 AAC 48.230 do not apply to a local exchange carrier; however, the commission may require changes to a local exchange carrier's billing and contract form if that form is confusing or misleading to customers or is contrary to the public interest; and

(3) 3 AAC 48.277 and 3 AAC 48.430

(A) do not apply to a local exchange carrier

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

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

(B) apply, notwithstanding (A) of this paragraph, to a local exchange carrier whose

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

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

(b) The provisions of 3 AAC 48.275(a) do not apply to the dominant carrier for rate decreases, new services, and repackaging of existing services.

(c) Repealed 7/31/2011.

(d) The provisions of 3 AAC 53.190 govern the reassignment of a subscriber's access line or lines to a different local exchange carrier.

(e) No implicit modification or waiver of any statutory or regulatory requirements is intended by 3 AAC 53.200 — 3 AAC 53.299 for either dominant or nondominant carriers. Absent specific modification or waiver, all statutory and regulatory requirements remain in effect for both dominant and nondominant carriers.

(f) Unless otherwise provided in 3 AAC 53.243, a local exchange carrier shall publish a public notice of all proposed tariff revisions in a local, general circulation newspaper no later than three days after filing it with the commission. The public notice must contain a general description of the filing that is accurate, written in plain English, and sufficient to alert consumers of tariff revisions that may affect either the rules or rates applicable to them. The notice must include sentences containing the following information: the date the utility made or will make its filing with the commission; the date the revisions are

expected to become effective; and a statement that both the proposed revisions and the utility's current tariff are available for review at the utility's office for which an address and office hours are provided. The notice must contain sentences similar to the following: "Any person may file comments on this tariff revision with the Regulatory Commission of Alaska (mailing address and Internet website address). To assure that the commission has sufficient time to consider the comments before the revisions take effect, (utility name) suggests that you file comments no later than (a specific date, not a weekend or holiday, approximately 7-10 days before the filing takes effect)."

(g) Where all necessary facilities and equipment are in place, a local exchange carrier shall complete the transfer of a customer to another local exchange carrier within seven working days of receiving a valid order for transfer of service.

(h) The provision of 3 AAC 48.270(a) that requires 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.

(i) On or before March 31 of each year, in accordance with 3 AAC 48.095, a local exchange carrier shall file a financial report of the carrier's operations in the state for the previous calendar year. The carrier's out-of-state operations must be excluded from the financial report. The carrier's financial report must include the following detailed information regarding its local exchange operations:

- (1) gross revenue;
- (2) sale for resale revenue;
- (3) access charge revenue;
- (4) billing and collection revenue; and
- (5) directory assistance revenue.

(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)

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

**Article 5. Universal Service Fund.**

<b>Section</b>	<b>Section</b>
320. Budget approval; administrative costs	340. Universal service surcharge
330. Reports, audits, and separation of money	399. Definitions

**3 AAC 53.320. Budget approval; administrative costs.** (a) In order to meet the requirements of AS 42.05.800 — AS 42.05.890, the budget for administrative costs, including compensation of the administrator, must be approved by the commission.

(b) No later than October 1 of each year, in accordance with 3 AAC 48.095, the administrator shall submit the proposed budget described in (a) of this section to the commission for approval for the following year.

(c) The commission will only approve the proposed budget described in (a) of this section, if the commission finds that the proposed budget is reasonable and in the public interest.

(d) To maintain approval of the budget by the commission, payment for the administrator’s compensation may not exceed the amount specified in the budget approved by the commission.

(e) The administrative costs approved by the commission shall be included, along with the estimated amount of universal service support disbursement from the AUSF, in the calculation of the universal service surcharge factor described in 3 AAC 53.340. (Eff. 1/10/99, Register 149; am 7/31/2011, Register 199; am 11/6/2016, Register 220)

Authority: AS 42.05.141 AS 42.05.431 AS 42.05.800  
 AS 42.05.145 AS 42.05.711 AS 42.05.840  
 AS 42.05.151

**3 AAC 53.330. Reports, audits, and separation of money.**

(a) To maintain approval under 3 AAC 53.310,

(1) the administrator shall keep the amount allocated for universal service support in the AUSF in an account separate from other money under the control of the administrator;

(2) the AUSF and the accounting practices of the administrator are subject to a yearly audit by an independent accounting firm and may be subject to an additional audit during the year by the commission, if ordered by the commission; the AUSF and the accounting practices of the administrator are subject to a close-out audit at the end of the administrator’s term;

(3) the administrator shall report annually to the commission, in accordance with 3 AAC 48.095, an itemization of monthly administrative costs, including expenses, receipts, and payments associated with the administration of the AUSF; the administrator shall

provide the commission full access to the data collected under or prepared through the administration of the AUSF;

(4) the administrator shall report quarterly to the commission, in accordance with 3 AAC 48.095, on the disbursement of money from the AUSF along with any recommended changes to the universal service surcharge factor; the administrator shall keep separate accounts for the universal service surcharge collected and universal service support disbursed; and

(5) at the request of the commission, the administrator may audit one or more public utilities required to pay the universal service surcharge and one or more public utilities that have received disbursements from the AUSF; the administrator shall establish procedures to verify universal service surcharge payments in to the AUSF and universal service support disbursed from the AUSF; the administrator may suspend or delay disbursements for universal service support to a public utility if that utility fails to adequately verify the amount of universal service support claimed, or if the commission issues an order to suspend or delay disbursement.

(b) The commission will provide to the public a monitoring report at least once a year on the administrator's reports under this section. (Eff. 1/10/99, Register 149; am 11/6/2016, Register 220)

Authority:	AS 42.05.141	AS 42.05.431	AS 42.05.800
	AS 42.05.145	AS 42.05.711	AS 42.05.840
	AS 42.05.151		

**3 AAC 53.340. Universal service surcharge.** (a) A public utility that provides intrastate telecommunications service to the public, or to those classes of users as to be effectively available to the public for a fee, shall pay a universal service surcharge to the AUSF. The public utility must pay the surcharge on its annual gross revenues that are generated from end users on the following intrastate telecommunications services and charges:

- (1) cellular telephone and paging services;
- (2) mobile radio services;
- (3) operator services;
- (4) personal communications services (PCS);
- (5) special access service;
- (6) wide area telecommunications service (WATS);
- (7) toll-free service;
- (8) 900 service;
- (9) message telephone service (MTS);
- (10) private line service;
- (11) telex;
- (12) telegraph;
- (13) video services;
- (14) satellite service;
- (15) resale of intrastate services;

(16) pay phone services;

(17) local exchange services;

(18) the network access fee assessed on end users in accordance with section 109 of the *Alaska Intrastate Interexchange Access Charge Manual*, adopted by reference in 3 AAC 48.440;

(19) interconnected Voice over Internet Protocol (VoIP).

(b) Notwithstanding (a) of this section, a public utility providing intrastate telecommunications services in the form of open video systems (OVS), cable leased access, or direct broadcast satellite (DBS) services is not required to pay the universal service surcharge.

(c) A public utility providing a service for which a universal service surcharge payment is due shall provide to the administrator a verified accounting of its annual gross revenues from intrastate end users. The accounting shall be submitted on a form designated by order of the commission as the AUSF Worksheet. The public utility shall submit the completed AUSF Worksheet to the administrator twice a year. The first AUSF Worksheet is due March 31 of each year, containing data for the prior calendar year. The second AUSF Worksheet is due September 1, of each year, containing data for the six-month period from January 1 through June 30 for the current calendar year. If a public utility's payments to the AUSF in a calendar year would be less than \$100, that public utility is not required to submit a payment or the AUSF Worksheets for that calendar year, unless the public utility has received universal service support from the AUSF in that calendar year.

(d) By October 1 of each year, the administrator shall calculate a proposed budget for the estimated total amount of the universal service support payment that will be needed from the AUSF for the following calendar year and for the administrative costs anticipated to be approved by the commission. The administrator shall recommend the annual universal service surcharge factor for the following year to cover the proposed budget. The universal service surcharge factor is calculated based on the ratio of the total estimated amount of disbursements for the AUSF to the total annual gross revenues from intrastate end users subject to the universal service surcharge. The administrator shall recommend to the commission adjustments to the universal service surcharge factor on a quarterly basis, as necessary, as described in 3 AAC 53.330. The recommended universal service surcharge factor and adjustments must be approved by the commission, before implementation by the administrator.

(e) A public utility subject to the universal service surcharge under this section shall remit its monthly universal service surcharge payment to the administrator of the AUSF within 15 days after the end of each calendar month.

(f) The administrator must hold universal service surcharge payments required from the AUSF in excess of disbursements for a current month in a low-risk interest bearing account and use the excess for



disbursements under 3 AAC 53.300 — 3 AAC 53.399 in a following month. (Eff. 1/10/99, Register 149; am 1/30/99, Register 149; am 7/31/2011, Register 199; am 3/1/2017, Register 221)

<b>Authority:</b> AS 42.05.141	AS 42.05.431	AS 42.05.800
AS 42.05.145	AS 42.05.711	AS 42.05.840
AS 42.05.151		

**3 AAC 53.399. Definitions.** Unless the context indicates otherwise, in 3 AAC 53.300 — 3 AAC 53.399

(1) “administrator” means the applicant approved by the commission under 3 AAC 53.310 to serve as administrator of AUSF;

(2) “AUSF” means the Alaska Universal Service Fund;

(3) “eligible telecommunications carrier” means a telecommunications utility eligible under 47 U.S.C. 214(e) of the Federal Communications Act, as amended by the Telecommunications Act of 1996 (P.L. 104-104);

(4) “lifeline” has the same meaning as set out in 47 C.F.R. 54.401;

(5) “nonpooling company” means a company that is not a participant in the access charge pool established by the Alaska Intrastate Interexchange Access Charge Manual adopted by reference in 3 AAC 48.440;

(6) “pooling company” means a company that is a participant in the access charge pool established by the Alaska Intrastate Interexchange Access Charge Manual adopted by reference in 3 AAC 48.440;

(7) “universal service surcharge” or “surcharge” means a rate paid by a public utility for the use of the public telecommunications network;

(8) “link up” has the same meaning as set out in 47 C.F.R. 54.411;

(9) “exchange” or “local exchange” has the same meaning given in 3 AAC 48.820;

(10) “local exchange carrier” has the meaning given in 3 AAC 53.299;

(11) “study area” has the meaning given in 3 AAC 53.499;

(12) “interconnected Voice over Internet Protocol” has the same meaning as set out in 47 C.F.R. 9.3. (Eff. 1/10/99, Register 149; am 1/28/2005, Register 173; am 7/31/2011, Register 199; am 3/1/2017, Register 221)

<b>Authority:</b> AS 42.05.141	AS 42.05.431	AS 42.05.800
AS 42.05.145	AS 42.05.711	AS 42.05.840
AS 42.05.151		

## Article 6. Eligible Telecommunications Carrier Designation.

### Section

410. Designation of eligible telecommunications carriers

440. Procedural requirements for re-

### Section

quests for eligible telecommunications carrier designation

460. Reporting requirements

**3 AAC 53.410. Designation of eligible telecommunications carriers.** (a) A common carrier seeking designation as an eligible telecommunications carrier must file, for each study area or portion of a study area where eligible telecommunications carrier designation is sought, a request, in accordance with 3 AAC 48.095, that include

(1) the common carrier's legal name, name under which business is conducted, and address;

(2) the name, title, and telephone number of the individual who is the liaison with the commission regarding the request;

(3) a legal description by township and range of the proposed eligible telecommunications carrier service area;

(4) one or more maps of the proposed eligible telecommunications carrier service area, in hard copy and electronic format, that are legible and provide

(A) sufficient geographic detail to confirm the legal description in township and range of the proposed eligible telecommunications carrier service area;

(B) sufficient geographic detail to confirm the legal description in township and range of the study area of any incumbent local exchange carrier providing service in the proposed eligible telecommunications carrier service area, including exchange area boundaries;

(C) the common carrier's current coverage area and authorized service area, including material geographic obstacles;

(D) the common carrier's proposed coverage area by technology, including material geographical obstacles to serving the proposed coverage area; and

(E) the coverage area of any carrier whose services will be resold;

(5) a certification that the common carrier is

(A) capable of providing the supported services in the eligible telecommunications carrier service area upon designation; and

(B) committed to providing the supported services throughout the eligible telecommunications carrier service area in accordance with (7) of this subsection;

(6) a detailed explanation of how the common carrier is capable of and proposes to provide each supported service throughout the eligible telecommunications carrier service area; the explanation must include by wire center area

(A) the technology to be deployed;

(B) the supported services to be provided through resale of another carrier's services, if any;

(C) any limitations on the ability to provide supported services upon designation; and

(D) any federal waivers of requirements applicable to the provision of emergency services;

(7) a commitment to

(A) provide service on a timely basis to requesting customers throughout the common carrier's eligible telecommunications carrier service area using its own facilities or a combination of its own facilities and resale in accordance with the common carrier's network deployment plan filed under 3 AAC 53.420 and revised under 3 AAC 53.460(a)(1); and

(B) file a report in accordance with 3 AAC 53.460(a)(3) of any instance in which the carrier is unable to fulfill a customer request for service;

(8) a description of what facilities will be used to deliver supported services in the proposed eligible telecommunications carrier service area, including a description of the common carrier's existing facilities by wire center area;

(9) a description of authorities, licenses, and interconnection, resale, and other agreements that enable the common carrier to provide the supported services throughout the proposed eligible telecommunications carrier service area, including the docket of any related commission proceedings;

(10) a detailed description of how universal service support will be used, including the information required by 3 AAC 53.420;

(11) a certification that the common carrier will, within 90 days after designation and annually thereafter, advertise in a medium of general distribution the availability of and charges for supported, lifeline, and link up services throughout the eligible telecommunications carrier service area;

(12) a certification that the common carrier has and will continue to take steps to remain functional in emergency situations by

(A) maintaining at least eight hours of backup power to ensure functionality without local alternating current (AC) commercial power;

(B) establishing to the extent feasible the ability to reroute traffic around damaged facilities and to manage traffic spikes resulting from emergency situations; and

(C) establishing procedures for employees to follow in an emergency to prevent or minimize interruption or impairment of telecommunications services;

(13) a certification that the common carrier will comply with applicable consumer protection and service quality standards set out in 3 AAC 53.450;

(14) information confirming that the common carrier offers one or more calling plans comparable to those of the incumbent local exchange carrier; the information must include

(A) a certification that, among its comparable calling plans, the common carrier offers a calling plan with at least 500 free minutes of local usage per month; and

(B) a comparison of the incumbent local exchange carrier's basic local usage plans and the requesting carrier's local usage plans that includes the local calling area, minutes of use included, plan rates, rate for excess minutes, features, and any other information demonstrating how proposed plans compare to calling plans of the incumbent local exchange carrier;

(15) information on how the common carrier will administer the lifeline and link up programs, including

(A) a certification that the common carrier offers a calling plan with at least 500 free minutes of local usage per month to lifeline-eligible customers;

(B) a description of the local calling area, plan rate, rate for excess minutes, and available features;

(C) an explanation of how eligibility for lifeline and link up will be determined;

(D) examples applying lifeline discounts to service offerings; and

(E) a statement of whether a lifeline customer has a choice of plan offerings or must subscribe to one standard plan;

(16) a certification that the common carrier acknowledges it may be required to provide equal access to long distance carriers if no other eligible telecommunications carrier provides equal access within the eligible telecommunications carrier service area;

(17) with respect to universal service support for high-cost areas, a commitment to use that high-cost universal service support for the provision, maintenance, and upgrade of facilities and services that benefit the eligible telecommunications carrier service area from which the support was derived;

(18) if service area redefinition is requested, the information required by 3 AAC 53.430;

(19) any additional information that the common carrier considers important in support of the request for designation as an eligible telecommunications carrier; and

(20) the information and fees required by (b) and (c) of this section.

(b) The common carrier must demonstrate that designation as an eligible telecommunications carrier is in the public interest by filing information explaining

(1) how designation would benefit consumers;

(2) the advantages and disadvantages of the requesting common carrier's service offerings compared to the offerings of other common carriers in the area;

(3) whether the common carrier's particular plan for providing supported services upon request throughout the proposed eligible telecommunications carrier service area is in the public interest; and

(4) any additional information that the common carrier considers important to demonstrate designation is in the public interest.

(c) A common carrier that does not pay regulatory cost charges under AS 42.05.254 and 3 AAC 47 shall submit a fee of \$5,000 with a request for designation as an eligible telecommunications carrier. (Eff. 7/12/2009, Register 191; am 11/6/2016, Register 220)

Authority:	AS 42.05.141	AS 42.05.291	AS 42.05.431
	AS 42.05.145	AS 42.05.306	AS 42.05.661
	AS 42.05.151	AS 42.05.381	

**3 AAC 53.440. Procedural requirements for requests for eligible telecommunications carrier designation.** (a) A request for designation as an eligible telecommunications carrier must be in writing, must be verified by an authorized officer of the requesting common carrier, and must conform to the general requirements of pleadings set out in 3 AAC 48.100. A request for designation as an eligible telecommunications carrier will be considered a petition as defined in 3 AAC 48.820.

(b) The requesting common carrier shall serve a copy of its petition, in accordance with 3 AAC 48.090, on any common carrier that has been designated as an eligible telecommunications carrier in any part of the proposed eligible telecommunications carrier service area.

(c) The commission will publicly notice a request for designation as an eligible telecommunications carrier and invite comment on the request, providing a comment period of at least 21 days.

(d) If the request for designation as an eligible telecommunications carrier does not contain all information required by 3 AAC 53.410, 3 AAC 53.420, and 3 AAC 53.430, the commission will require the requesting carrier to submit the missing information within five business days after the commission requests the missing information.

(e) If the commission needs information that is not required by 3 AAC 53.410, 3 AAC 53.420, or 3 AAC 53.430 to determine whether to grant a request for eligible telecommunications carrier designation, the commission will require the requesting carrier to submit further information within five business days after the commission requests further information.

(f) The requesting carrier bears the burden of proof with respect to all issues raised by its petition for designation as an eligible telecommunications carrier. (Eff. 7/12/2009, Register 191; am 11/6/2016, Register 220)

Authority:	AS 42.05.141	AS 42.05.145	AS 42.05.151
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**3 AAC 53.460. Reporting requirements.** (a) A common carrier designated as an eligible telecommunications carrier shall provide on or before March 31 of each year, and in accordance with 3 AAC 48.095,

(1) an update of the common carrier's network deployment plan

that details services provided within the eligible telecommunications carrier service area and includes

(A) maps detailing progress towards meeting network deployment plan targets;

(B) the amount of universal service support received;

(C) an explanation of how universal service support was used in the previous year to improve service quality, coverage, or capacity;

(D) an explanation regarding network improvement targets that have not been fulfilled and identification of any unserved areas; and

(E) an explanation of any revisions to the previously filed network deployment plan;

(2) a certification that the common carrier provided service throughout its eligible telecommunications carrier service area in the past calendar year to all customers requesting service except as described in (3) of this subsection;

(3) an explanation of each instance in which a customer was denied supported services and a detailed explanation of the steps taken to provide service;

(4) the number of complaints to the commission or the Federal Communications Commission by study area and service area, comparing the number of complaints to the total number of handsets or lines served by the carrier by study area and service area;

(5) a certification that the common carrier is in compliance with applicable consumer protection and service quality standards set out in 3 AAC 53.450;

(6) a certification that the common carrier complies with requirements set out in 3 AAC 53.410(a)(12) regarding functionality in emergency situations;

(7) copies of any outage reports mandated by the commission or the Federal Communications Commission;

(8) a certification that the common carrier complies with 3 AAC 53.410(a)(14) by offering one or more calling plans comparable to those of the incumbent local exchange carrier, including a calling plan with at least 500 free minutes of local usage per month; and

(9) affidavits of publication from the prior calendar year demonstrating that the common carrier advertised the availability of supported services throughout the eligible telecommunications carrier service area.

(b) A common carrier designated as an eligible telecommunications carrier before July 12, 2009 must submit an initial annual report that includes a certification that the carrier will comply with 3 AAC 53.410(a)(7), (16), and (17).

(c) An eligible telecommunications carrier that is a carrier of last resort for local exchange service is not required to file the information specified in (a)(1)(A) and (D) of this section. (Eff. 7/12/2009, Register 191; am 11/6/2016, Register 220)

Authority: AS 42.05.141 AS 42.05.151 AS 42.05.291  
AS 42.05.145

**Article 8. Criteria for the Provision of Statewide Directory Assistance.**

**Section**

625. Directory assistance providers

**Publisher's note:** This article heading is set out above to reflect its new article number resulting from the renumbering of former articles 2 through 9 as 3 through 10 in Register 160.

**3 AAC 53.625. Directory assistance providers.** (a) Upon petition or on its own motion, the commission may investigate the wholesale rates a directory assistance provider charges to local exchange carriers for 411 dialed intrastate directory assistance or to intrastate interexchange carriers for 907-555-1212 dialed intrastate directory assistance.

(b) A directory assistance provider may not charge unjust and unreasonable rates for 411 dialed or 907-555-1212 dialed intrastate directory assistance, grant an unreasonable preference or advantage, or subject a customer to an unreasonable prejudice or disadvantage. If only one directory assistance provider serves all customers in the state, that provider shall file, in accordance with 3 AAC 48.095, its contracts and contract amendments for the provision of 411 dialed and 907-555-1212 dialed intrastate directory assistance with the commission. Unless the commission initiates an investigation, a filing under this subsection becomes effective 30 days after filing. (Eff. 11/24/2004, Register 172; am 11/6/2016, Register 220)

Authority: AS 42.05.141 AS 42.05.361 AS 42.05.411  
AS 42.05.145 AS 42.05.381 AS 42.05.421  
AS 42.05.151 AS 42.05.391 AS 42.05.431  
AS 42.05.291

**Article 10. Public Interest Pay Telephone Service.**

**Section**

750. Designation of public interest pay telephones

**3 AAC 53.750. Designation of public interest pay telephones.**

(a) The commission will, by order, designate an initial list of public interest pay telephones under the procedures set out in (b) through (e) of this section.

(b) The commission will establish a deadline for the submission of requests for the establishment of public interest pay telephones that

meet the criteria for that designation as set out in 3 AAC 53.745. A request must be submitted in accordance with 3 AAC 48.095 and indicate the exchange and the physical address or location for each public interest pay telephone. A request to designate an existing pay telephone as a public interest pay telephone must include sufficient cost and revenue information for the commission to determine the profitability of the pay telephone.

(c) After the deadline for the submission of requests under (b) of this section, the commission will review the requests for designation of public interest pay telephones for compliance with the criteria set out at 3 AAC 53.745 and will identify its recommended additions or deletions.

(d) Following the completion of the procedures set out in (c) of this section, the commission will issue a preliminary list of proposed public interest pay telephones. The commission will provide public notice of its preliminary list and serve the list on all certificated telecommunications carriers in the state, including private pay telephone service providers. The commission will invite public comment on the completeness and accuracy of the preliminary list of public interest pay telephones. A certificated private pay telephone service provider may indicate which, if any, locations on the list it is willing to serve in its service area without support. The commission will establish a deadline for the submission of comments.

(e) After the deadline established under (d) of this section, the commission will issue a final list of public interest pay telephones by

- (1) exchange; and
- (2) physical address or location of each public interest pay telephone.

(f) The commission may consider amendments and modifications to the final list of public interest pay telephones designated under (e) of this section upon the commission's own motion or upon petition by an affected person. (Eff. 1/11/2001, Register 157; am 11/6/2016, Register 220)

<b>Authority:</b>	AS 42.05.141	AS 42.05.311	AS 42.05.810
	AS 42.05.151	AS 42.05.321	AS 42.05.840
	AS 42.05.291	AS 42.05.800	



