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RECEIVED

By the Regulatory Commission of Alaska on Jul 21, 2016

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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Micaela Fowler, Department of Commerce, Community and Economic Development

FROM: Scott Meriwether, Office of the Lieutenant Governor 465.4081

A handwritten signature in blue ink, appearing to be "SM", next to the name Scott Meriwether.

DATE: July 21, 2016

RE: Filed Permanent Regulations: Regulatory Commission of Alaska

Regulations update re: tariff filing requirements for competitive local exchange markets
(3 AAC 53.243)

Attorney General File: JU2015200564
Regulation Filed: July 21, 2016
Effective Date: August 20, 2016
Print: 219, October 2016

cc with enclosures: Linda Miller, Department of Law
Dianne Blumer, Administrative Regulation Review Committee
J.P. Wood, Regulatory Commission of Alaska
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF REGULATORY COMMISSION OF ALASKA

The attached 9 pages of regulations, dealing with the tariffing and tariff advice filing requirements for non-dominant competitive local exchange markets, are certified to be a correct copy of the regulation changes that the Regulatory Commission of Alaska adopted at its May 11, 2016, meeting, under the authority of AS 42.05.151 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Regulatory Commission of Alaska paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 6/7/2016
Anchorage, Alaska

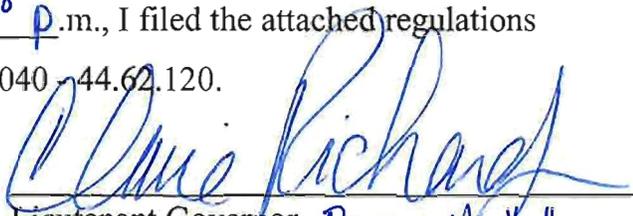
for 
Robert M. Pickett, Chairman

FILING CERTIFICATION

for Claire Richardson

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on

July 21, 2016, at 12:08 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


for Lieutenant Governor Byron Mallott

Effective: August 20, 2016

Register: 219, October 2016

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

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

Claire Richardson, Special Assistant

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on January 7th 2015.



**BYRON MALLOTT
LIEUTENANT GOVERNOR**



3 AAC 53.243 is repealed and readopted to read:

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 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”;

(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)

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