

Byron Mallott  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
WWW.LTGOV.ALASKA.GOV




530 West 7<sup>th</sup> Ave, Suite 1700  
Anchorage, Alaska 99501  
907.269.7460  
LT.GOVERNOR@ALASKA.GOV

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By the Regulatory Commission of Alaska on Oct 02, 2017

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Micaela Fowler  
Department of Commerce, Community & Economic Development 

**FROM:** Scott Meriwether, Office of the Lieutenant Governor  
465.4081

**DATE:** September 28, 2017

**RE:** Filed Permanent Regulations: Regulatory Commission of Alaska

Regulatory Commission of Alaska regulations re: general tariff form and filing requirements (3 AAC 47.070(c); 3 AAC 48.220 - 3 AAC 48.410; 3 AAC 48.468(b); 3 AAC 48.645(a); 3 AAC 48.710(a); 3 AAC 48.730(a); 3 AAC 51.040(c); 3 AAC 52.367(d); 3 AAC 52.370(b); 3 AAC 52.375(b); 3 AAC 52.390(a); 3 AAC 52.732; 3 AAC 52.734(a); 3 AAC 52.810(a); 3 AAC 53.200(a); 3 AAC 53.240(b,(c)); 3 AAC 53.243; 3 AAC 53.245(d); 3 AAC 53.290; 3 AAC 53.345(c))

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Attorney General File: JU2016200452

Regulation Filed: 9/27/2017

Effective Date: 10/27/2017

Print: 224, January 2018

cc with enclosures: Linda Miller, Department of Law  
Judy Hemdon, LexisNexis

Register 224, January 2018 COMMERCE, COMMUNITY, AND EC. DEV.

3 AAC 47.070(c) is amended to read:

(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 and 3 AAC 48.270.

(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; am 10/27/2017, Register 224)

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

3 AAC 48.220 is repealed and readopted to read:

**3 AAC 48.220. Tariff filing submission, calculation of statutory notice period, and effective date.** (a) Unless otherwise provided, the statutory notice period for a tariff filing does not begin until the filing utility or pipeline carrier has complied with this section. If a utility or pipeline carrier submits a tariff filing that does not meet all of the notice and form and filing requirements provided under statute and 3 AAC 48.200 - 3 AAC 48.430, and the commission does not waive those requirements under 3 AAC 48.805, the commission may reject the filing. The statutory notice period for a rejected tariff filing begins only after the filing is supplemented, within a period specified by the commission, to comply with all applicable requirements. If a utility or pipeline carrier fails

Register 224, January 2018    COMMERCE, COMMUNITY, AND EC. DEV.

to supplement a rejected tariff filing in order to comply with all applicable requirements within the period specified by the commission, the tariff filing will be closed and returned to the utility or pipeline carrier. If a tariff filing is refiled by the utility or pipeline carrier after having been rejected and returned as provided in this chapter, the tariff filing shall be renumbered with the next available tariff advice number and treated as a new tariff filing.

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

(c) Each tariff filing submitted to the commission must be transmitted by means of consecutively numbered tariff advice letters. Every tariff advice letter must contain the applicable information set out in 3 AAC 48.270(a), unless another provision of 3 AAC 47 - 3 AAC 53 (Regulatory Commission of Alaska) provides otherwise, and is subject to one of the following statutory notice periods as follows:

(1) a utility tariff filing must be submitted to the commission not later than 45 days before it may take effect unless the commission, by order, authorizes the filing to take effect in less than 45 days after the date of filing, or unless another provision of 3 AAC 47 - 3 AAC 53 (Regulatory Commission of Alaska) provides for a different filing method or time period;

(2) an initial pipeline tariff filing must be submitted to the commission not later than 90 days before it may take effect unless the commission, by order, authorizes

Register 224, January 2018    COMMERCE, COMMUNITY, AND EC. DEV.

the filing to take effect in less than 90 days after the date of filing, or unless another provision of 3 AAC 47 - 3 AAC 53 (Regulatory Commission of Alaska) provides for a different filing method or time period;

(3) a pipeline tariff filing, other than an initial pipeline tariff filing, must be submitted to the commission not later than 30 days before it may take effect unless the commission, by order, authorizes the filing to take effect in less than 30 days after the date of filing, or unless another provision of 3 AAC 47 - 3 AAC 53 (Regulatory Commission of Alaska) provides for a different filing method or time period.

(d) Whether submitted on paper or electronically, a tariff filing made before 5:00 p.m. on a regular business day will be considered filed with the commission for the purpose of determining the statutory notice period. The day after the filing is submitted with the commission will be counted as the first day of the period of notice to the commission and the public in accordance with AS 01.10.080. The statutory notice periods set out in (c) of this section shall be determined in the same manner prescribed under 3 AAC 48.090. If a notice period ends on a Saturday, Sunday, or state legal holiday, the notice period will be extended to the end of the commission's next regular business day. In computing the statutory notice period, consideration will not be given to notice by telephone, electronic mail, or facsimile transmission.

(e) Except as otherwise provided in this chapter, the commission may reject a tariff filing submitted to the commission with insufficient time to accommodate the statutory notice period before a proposed effective date.

(f) A utility or pipeline carrier may propose an effective date before the end of the statutory notice period for a tariff filing as set out in 3 AAC 48.270(a). If a proposed effective date is not included in a tariff advice letter, the commission will treat the last day of the statutory period of notice to the commission as the proposed effective date, unless the tariff filing is suspended in accordance with 3 AAC 48.310(d). The commission may reject a tariff filing if a proposed effective date is more than 90 days after the date the tariff filing is submitted to the commission, except as specifically authorized by the commission on request of a utility or pipeline carrier, or except in the case of an initial pipeline tariff.

(g) After approval, the commission will validate each effective tariff sheet, special contract, agreement, form, and other document required by commission order, by placing the commission's date-of-receipt stamp on the upper right corner of each tariff sheet, form, and other document and by entering the appropriate effective date on the bottom right corner of each tariff sheet, form, and other document. The commission will return a copy of each effective tariff sheet, special contract, agreement, form, and other document required by commission order to the utility or the pipeline carrier after the effective date of the filing.

(h) Each effective tariff on file with the commission is lawful until revised in accordance with the procedures established under law, 3 AAC 48.200 - 3 AAC 48.430, and other provisions of 3 AAC 47 - 3 AAC 53 (Regulatory Commission of Alaska). (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 8/6/92, Register 123; am 9/16/2005,

Register 224, January 2018 COMMERCE, COMMUNITY, AND EC. DEV.

Register 175; am 4/24/2009, Register 190; am 11/6/2016, Register 220; am 10/27/2017, Register 224)

<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 48.230 is repealed:

**3 AAC 48.230. Billing and contract forms.** Repealed. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 8/6/92, Register 123; repealed 10/27/2017, Register 224)

3 AAC 48.240 is repealed:

**3 AAC 48.240. Delivery of tariff.** Repealed. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 11/6/2016, Register 220; repealed 10/27/2017, Register 224)

3 AAC 48.250(a) is amended to read:

**3 AAC 48.250. Tariff on file for public inspection.** (a) Each utility or pipeline carrier shall maintain in its tariff a list of the locations at which it keeps a copy of its paper tariff available for public inspection and, if applicable, the Internet address of its electronic tariff.

3 AAC 48.250(c) is repealed:

(c) Repealed 10/27/2017. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 10/27/2017, Register 224)

Register 224, January 2018    COMMERCE, COMMUNITY, AND EC. DEV.

**Authority:**    AS 42.05.141            AS 42.05.361            AS 42.06.350

                  AS 42.05.151            AS 42.06.140            AS 42.06.390

3 AAC 48.260 is repealed:

**3 AAC 48.260. Public notice of utility tariff inspection privilege.** Repealed.

(Eff. 11/16/73, Register 48; am 6/29/84, Register 90; repealed 10/27/2017, Register 224)

3 AAC 48.270 is repealed and readopted to read:

**3 AAC 48.270. Tariff advice letters.** (a) Unless otherwise provided, every tariff filing required by 3 AAC 48.200 – 3 AAC 48.430, except filings directly related to applications for new or amended certificates of public convenience and necessity, must be transmitted to the commission by a consecutively numbered letter designated as “Tariff Advice Letter No. 1, 2, 3, etc.” Tariff advice letters may be on either letterhead or plain paper, but must be formatted to print eight and one-half inches by 11 inches in size, must contain the name and return address of the filing utility or pipeline carrier, and must contain the name, return address, and electronic mail address of the filing utility or pipeline carrier’s representative authorized to issue tariffs. Tariff advice letters must

(1) list the tariff advice letter number;

(2) specify the statutes, regulations, or commission order that the filing is made under;

(3) list the tariff sheets, special contracts, agreements, forms, or other documents required by commission order that are being filed;

(4) summarize the proposed tariff revisions, including an explanation about whether the filing proposes to implement rules, rates, or both;

(5) include a statement setting out whether the filing will impact any current customers or shippers and if so, the estimated number of customers or shippers that will be affected;

(6) if applicable, include a request for the tariff filing to take effect before the end of the statutory notice period, including a proposed effective date and explanation demonstrating good cause showing why the early effective date is necessary; and

(7) if applicable, include a request for interim approval.

(b) If the filing is based upon a study, a copy of the study used by the utility or pipeline carrier must be filed with the tariff advice letter, if not already on file with the commission. If a utility or pipeline carrier wishes to keep a study confidential it may petition for confidentiality as provided in 3 AAC 48.045.

(c) When a special contract is filed, the tariff advice letter must address the requirements of 3 AAC 48.390(b) and include a statement explaining the reason the customer was not required to take service under an existing tariff schedule or appropriate revision of it, designed to accommodate the customer and all others similarly situated. If a special contract is filed under seal, in accordance with 3 AAC 48.045(a), the tariff advice letter must also name the signatories to the contract and give the date of execution. (Eff. 5/9/75, Register 54; am 6/29/84, Register 90; am 8/6/92, Register 123; am 4/24/2004, Register 170; am 11/6/2016, Register 220; am 10/27/2017,



Register 224, January 2018 COMMERCE, COMMUNITY, AND EC. DEV.

Register 224)

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

3 AAC 48.280 is repealed and readopted to read:

**3 AAC 48.280. Additional public notice.** The commission may prescribe, on a case-by-case basis, 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 utility or pipeline carrier;

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

(3) publication on the commission's website. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 11/6/2016, Register 220; am 10/27/2017, Register 224)

**Authority:** 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

The section heading of 3 AAC 48.290 is changed to read:

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

3 AAC 48.300(a) is amended to read:

**3 AAC 48.300. Waiver of statutory notice period.** (a) When a utility or pipeline

Register 224, January 2018    COMMERCE, COMMUNITY, AND EC. DEV.

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

The introductory language of 3 AAC 48.300(b) is amended to read:

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

. . .

3 AAC 48.300(b)(1) is amended to read:

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

3 AAC 48.300(b)(2) is amended to read:

(2) grant the requested effective date as proposed in the tariff advice letter;

3 AAC 48.300(b)(3) is amended to read:

(3) allow the tariff filing to take effect before the end of the statutory notice period but later than the requested effective date proposed in the tariff advice letter

The introductory language of 3 AAC 48.300(c) is amended to read:

(c) The commission, on its own motion or for good cause shown, may waive statutory notice and specify an effective date before the end of the statutory notice period for

. . .

Register 224, January 2018    COMMERCE, COMMUNITY, AND EC. DEV.

3 AAC 48.300(c)(2) is amended to read:

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

3 AAC 48.300(c)(4) is amended to read:

(4) tariff filings filed to comply with orders of the commission. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 10/27/2017, Register 224)

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

3 AAC 48.310(b) is amended to read:

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

3 AAC 48.310(c) is amended to read:

(c) A tariff filing, or any portion of one, that has been rejected is void.

3 AAC 48.310(e) is amended to read:

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

3 AAC 48.310(f) is amended to read:

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

3 AAC 48.310(g) is amended to read:

(g) If a suspended tariff filing is withdrawn by a utility or a pipeline carrier and later refiled, the commission may suspend the filing again up to the full statutory period.

(Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 10/27/2017, Register 224)

**Authority:** AS 42.05.141 AS 42.05.421 AS 42.06.350  
AS 42.05.151 AS 42.06.140 AS 42.06.400  
AS 42.05.411

3 AAC 48.320 is repealed and readopted to read:

**3 AAC 48.320. Separate tariff for each utility or pipeline carrier and controlling effective tariff.** (a) When a single entity furnishes more than one kind of utility service, pipeline carrier service, or commodity, as defined in AS 42.05 or AS 42.06, the entity shall file a separate tariff for each kind of utility service, pipeline carrier service, or commodity that the entity furnishes.

(b) For every service that a utility or pipeline carrier offers that is regulated by the commission, the effective tariff of the utility or pipeline carrier must set out the rates, charges, regulations, terms, and conditions applicable to the service. The effective tariff of every utility or pipeline carrier must specifically provide for, and authorize, every rate or charge subject to the commission's jurisdiction.

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

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

Register 224, January 2018 COMMERCE, COMMUNITY, AND EC. DEV.

overpayment or underpayment.

(e) Errors occurring in an effective tariff that result solely from a typographic or reproduction mistake must, upon discovery, be corrected immediately by the utility or pipeline carrier by filing, in compliance with 3 AAC 48.220 and 3 AAC 48.270, revised tariff sheets. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 10/27/2017, Register 224)

**Authority:** AS 42.05.141 AS 42.05.371 AS 42.06.140  
AS 42.05.151 AS 42.05.381 AS 42.06.360

3 AAC 48.330 is repealed and readopted to read:

**3 AAC 48.330. Format of tariff sheets.** Every tariff sheet must be legible and formatted to print eight and one-half by 11 inches in size and, except as provided in 3 AAC 48.360(d), include

- (1) the number of the utility or pipeline carrier's certificates of public convenience and necessity;
- (2) the tariff sheet number;
- (3) the tariff sheet revision number;
- (4) the name of the utility or pipeline carrier;
- (5) the tariff advice number; and
- (6) the proposed effective date. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 4/24/2004, Register 170; am 10/27/2017, Register 224)

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

Register 224, January 2018 COMMERCE, COMMUNITY, AND EC. DEV.

3 AAC 48.340(a) is amended to read:

**3 AAC 48.340. Tariff sheet designation.** (a) Each [COMPLETELY] new tariff sheet must be officially designated by the letters "RCA" in the upper left-hand corner of the tariff sheet, followed by the number of the utility or pipeline carrier's certificate of public convenience and necessity authorizing the utility or pipeline carrier to furnish the kind of service or commodity covered by its tariff.

3 AAC 48.340(b) is amended to read:

(b) Each sheet of every tariff, except the title page, must bear a sheet number at the top of the sheet. The first publication of a tariff sheet must be designated as "Original Sheet ....."

3 AAC 48.340(c) is amended to read:

(c) The amendment of any sheet of a tariff shall be made only by reissuing the particular sheet upon which the change, addition, or cancellation is made. Reissuing the sheet means to cancel it by a new tariff sheet that contains the same tariff provisions except whatever additions, changes, or cancellations are made. Each revised tariff sheet must bear the same sheet number, either spelled out or in numerical format, as the sheet it amends and must bear a consecutive revision number as explained in this subsection. A revised tariff sheet that [WHICH] amends an original sheet must be designated "FIRST REVISION OF SHEET ... ," "SECOND REVISION OF SHEET ... ," etc. Each revised sheet must direct the cancellation of the original or revised sheet that it amends and this cancellation may be shown in the manner indicated in the following example:

FIRST REVISION OF SHEET ....

CANCELLING

ORIGINAL SHEET ....

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

SECOND REVISION OF SHEET ....

CANCELLING

FIRST REVISION OF SHEET ....

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

3 AAC 48.340(d) is amended to read:

(d) If, after a tariff has been issued, adding an additional sheet becomes necessary to provide for an expanded or additional tariff matter, the added sheet must be designated as an original sheet, [(] not a revised sheet, and must be given the same sheet number, when added between existing sheets of the tariff, as the sheet that it follows. A period or dash suffix, [(] in the numerical sequence, must follow the sheet number, but not both a period and dash. For example, a sheet added between sheets four and five of the tariff must be designated as "Original Sheet 4.1" or "Original Sheet 4-1" and a sheet added between 4.1 or 4-1 and 5 of the tariff must be designated as "Original Sheet 4.2" or "Original Sheet 4-2" etc. Either dashes or periods must be used consistently throughout the tariff. A sheet may not be added between two sheets both of which bear sheet numbers with suffixes containing two periods or two dashes. If amending original sheet 4.1 or 4-1 becomes necessary, it shall be done in the manner

Register 224, January 2018    COMMERCE, COMMUNITY, AND EC. DEV.

prescribed in (c) of this section by issuing the first revision of sheet 4.1 or 4-1.

3 AAC 48.340(f) is amended to read:

(f) When a revised tariff sheet is issued that omits rates, charges, or other provisions formerly published on the sheet that it cancels, and the omitted matter is transferred to a different sheet, the revised sheet must make specific reference to the tariff sheet on which the omitted matter will thereafter be found. The sheet to which the omitted matter is transferred must refer to the tariff sheet on which the matter was formerly published. The cancellation of the matter on the former tariff sheet shall be made effective simultaneously with the effective date of the matter on the sheet to which it is transferred. Subsequent revisions of the revised sheets accomplishing the transfer must omit the references required in this subsection.

3 AAC 48.340(g) is amended to read:

(g) If anything on a tariff sheet is to be cancelled entirely, and is not to be transferred to another sheet of the same tariff, the revised sheet that effects the amendment must specifically show the cancellation of the provisions, as prescribed under 3 AAC 48.360(g). Subsequent revisions of the revised tariff sheet that effected the cancellation must omit the required margin notations. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 4/24/2004, Register 170; am 10/27/2017, Register 224)

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

3 AAC 48.350 is repealed:

**3 AAC 48.350. Separate tariff for each utility.** Repealed. (Eff. 11/16/73,



Register 224, January 2018 COMMERCE, COMMUNITY, AND EC. DEV.

Register 48; am 6/29/84, Register 90; repealed 10/27/2017, Register 224)

3 AAC 48.360 is repealed and readopted to read:

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

(1) a title page that includes the name of the utility or pipeline carrier issuing the tariff as listed on the utility or pipeline carrier's certificate of public convenience and necessity, the certificated service or commodity offered, each certificated area to which the tariff applies, and the physical address of the issuing utility or pipeline carrier;

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

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

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

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

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

(c) The maps furnished by a pipeline carrier must show the pipeline facility or extension, the route of the pipeline facility or extension, the location of each intake and offtake point currently used, and each intake or offtake point that has been constructed but is not currently used. The maps furnished by a utility must clearly delineate the

boundaries of

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

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

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

(e) Special contracts with customers must be filed separately by the utility, need not conform to the numbering plan set out in this section, and need not be included in the index page.

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

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

C - to denote a changed condition or regulation;

D - to denote a discontinued rate, regulation, or condition;

I - to denote an increase;

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

N - to denote a new rate, regulation, condition, or sheet;

R - to denote a reduction;

S - to denote reissued matter;

T - to denote a change in text for clarification.

(h) The symbols in (g) of this section may not be carried forward on subsequent revisions of the tariff sheets where they originally are shown or into tariff reissues or supplements, and the filing utility or pipeline carrier is not required to use them in any reproduction of its tariff for public inspection. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 10/27/2017, Register 224)

**Authority:** AS 42.05.141      AS 42.05.411      AS 42.06.350  
AS 42.05.151      AS 42.06.140      AS 42.06.390

3 AAC 48.390 is repealed and readopted to read:

**3 AAC 48.390. Special contracts.** (a) Special contracts are treated as tariff filings. A utility service, commodity, or facility furnished to a customer under an unwritten contract or arrangement must be discontinued unless the parties to it execute a written contract and file it with the commission. This section does not apply to

- (1) the merchandising of equipment and appliances;
- (2) parts replacement and repair work on customer-owned equipment;
- (3) utility construction or materials purchase contracts;

- (4) easements;
- (5) applications for membership in cooperative associations; or
- (6) service agreements which merely recite the provisions of a utility's

effective tariff.

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

- (1) does not take effect without the prior approval of the commission; and
- (2) is, at all times, subject to revisions by the commission.

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

(d) A special contract may not be used as a device or method to give the vendee an unreasonable preference or advantage or subject the vendee to an unreasonable prejudice or disadvantage as determined by analyzing the provisions of the contract in relation to the terms and conditions under which the utility offers a comparable service under comparable conditions to the general public.

(e) The commission may authorize a utility to offer untariffed services or equipment to customers by special contract under the following conditions:

- (1) the utility has filed a tariff filing for the service or equipment in the form and accompanied by the supporting information required under 3 AAC 48.200 - 3 AAC 48.430;
- (2) the commission has suspended the operation of the tariff filing

pending final approval;

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

(4) each rate specified is retroactively reviewable and revisable, upward or downward, from the effective date of the special contract, and the customer's liability is to pay each rate finally approved for the tariff filing plus or minus accrued interest if that rate is different from the rate initially approved for use in the special contract; and

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

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

(g) If the parties to a special contract that is filed with and approved by the commission cancel that contract, the utility or pipeline carrier shall notify the commission that the special contract has been cancelled. The notice to the commission must be by tariff advice letter and must include a copy of the instrument cancelling the special contract and the effective date of the cancellation. (Eff. 11/16/73, Register 48; am 1/19/80, Register 73; am 6/29/84, Register 90; am 10/27/2017, Register 224)

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

The introductory language of 3 AAC 48.400(a) is amended to read:

**3 AAC 48.400. Adoption notice.** (a) When the name of a utility or pipeline carrier, as shown on a certificate of public convenience and necessity is changed, due to the transfer of operating control of one utility or pipeline carrier to that of another by sale, lease, rental, inheritance, assignment, receivership, acquisition of a controlling interest by any means, or change in the legal form of its organization, or when the name of the utility or pipeline carrier is changed, the utility or pipeline carrier operating after that, if it intends to continue using the tariff shall, for each tariff so used, issue and file with the commission and shall, at the same time, make available for the statutory notice period at every place designated under 3 AAC 48.200 - 3 AAC 48.430, a tariff supplement containing an adoption notice reading substantially as follows:

. . .

3 AAC 48.400(c) is amended to read:

(c) Until the time when an adopted tariff is refiled in the name of the utility or pipeline carrier that adopted it, all subsequent revisions to the tariff must bear the name of the utility or pipeline carrier whose tariff was adopted. A tariff adopted by one utility or pipeline carrier may not be adopted by another utility or pipeline carrier, but instead must be filed as the tariff of the filing utility or pipeline carrier without any substantive change in the rates, charges, rules, and regulations of the predecessor utility or pipeline carrier. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 10/27/2017, Register 224)

Register 224, January 2018      COMMERCE, COMMUNITY, AND EC. DEV.

**Authority:**    AS 42.05.141            AS 42.06.140            AS 42.06.360  
                  AS 42.05.151            AS 42.06.305            AS 42.06.390  
                  AS 42.05.361            AS 42.06.350

3 AAC 48.410 is repealed and readopted to read:

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

(a) A newly formed utility, or a utility brought under the commission's jurisdiction by operation of law, shall file its complete tariff with the commission as part of its application for a certificate of public convenience and necessity. A utility filing an application for extension of its service area shall include as part of its application any tariff revisions that may be required and a statement justifying the applicability of its existing tariff in the new service area. The filings are subject to modification, and take effect on the date the certificate, or amendment to the certificate, is granted or at a later date under an order of the commission.

(b) A utility or pipeline carrier acquiring ownership or control of another utility or pipeline carrier, or portion of one, and filing a notice adopting the rates, rules, regulations, and other items of that utility or pipeline carrier shall, not later than 90 days after the filing of that adoption notice, file those rates, rules, regulations, and other items as a part of the acquiring utility or pipeline carrier's own tariff or as a separate tariff in the acquiring utility or pipeline carrier's own name if it plans to continue to operate in accordance with them. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 10/27/2017, Register 224)

Register 224, January 2018      COMMERCE, COMMUNITY, AND EC. DEV.

**Authority:**    AS 42.05.141            AS 42.05.411            AS 42.06.350  
                  AS 42.05.151            AS 42.06.140            AS 42.06.360  
                  AS 42.05.361            AS 42.06.305            AS 42.06.390

3 AAC 48.468(b) is amended to read:

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

(Eff. 1/9/2009, Register 189; am 10/27/2017, Register 224)

**Authority:**    AS 42.04.080            AS 42.06.140            AS 42.06.400  
                  AS 42.06.055            AS 42.06.350

3 AAC 48.645(a) is amended to read:

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



Register 224, January 2018    COMMERCE, COMMUNITY, AND EC. DEV.

3 AAC 48.280 - 3 AAC 48.290. If an application for a certificate, for an amendment to, or transfer of, a certificate, or for authority to acquire a controlling interest in a certificated utility or pipeline carrier, is filed by a utility or pipeline carrier that is not subject to economic regulation by the commission, the public notice will state that fact, define the meaning of the term "economic regulation," and place the public on notice by explaining that, with respect to this applicant, the commission has no jurisdiction over matters that constitute economic regulation. The notice will cite the applicable statute, regulation, or other authority, under which the applicant is exempt or claims exemption from economic regulation.

(Eff. 6/29/84, Register 90; am 10/27/2017, Register 224)

<b>Authority:</b>	AS 42.05.141	AS 42.06.140	AS 42.06.290
	AS 42.05.151	AS 42.06.240	AS 42.06.300
	AS 42.05.221	AS 42.06.250	AS 42.06.305
	AS 42.05.231	AS 42.06.260	AS 42.06.340
	AS 42.05.241	AS 42.06.270	

3 AAC 48.710(a) is amended to read:

**3 AAC 48.710. Filing requirements.** (a) A rate adjustment filing under 3 AAC 48.700 - 3 AAC 48.790 is subject to 3 AAC 48.220 and 3 AAC 48.270.

(Eff. 1/1/87, Register 100; am 10/27/2017, Register 224)

<b>Authority:</b>	AS 42.05.141	AS 42.05.381	AS 42.05.421
	AS 42.05.151	AS 42.05.411	AS 42.05.431

Register 224, January 2018 COMMERCE, COMMUNITY, AND EC. DEV.

3 AAC 48.730(a) is amended to read:

**3 AAC 48.730. Notice and effective date.** (a) A cooperative's rate adjustment filing under 3 AAC 48.700 - 3 AAC 48.790 is subject to 3 AAC 48.220 - 3 AAC 48.280 and becomes permanent at the end of the notice period described in AS 42.05.411 unless the commission suspends the filing in accordance with AS 42.05.421. If the commission suspends the filing, the commission may allow the filing to take effect on an interim basis, subject to refund.

(Eff. 1/1/87, Register 100; am 10/27/2017, Register 224)

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

3 AAC 51.040(c) is amended to read:

(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 and 3 AAC 48.270.

(Eff. 12/2/92, Register 124; am 2/23/2001, Register 157; am 11/6/2016, Register 220; am 10/27/2017, Register 224)

**Authority:** AS 42.05.141 AS 42.05.296 AS 42.05.321  
AS 42.05.151 AS 42.05.311

The introductory language of 3 AAC 52.367(d) is amended to read:

(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 and 3 AAC 48.270

Register 224, January 2018 COMMERCE, COMMUNITY, AND EC. DEV.

. . .

(Eff. 5/18/2003, Register 166; am 11/6/2016, Register 220; am 10/27/2017, Register 224)

**Authority:** 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 52.370(b) is amended to read:

(b) A certificated carrier shall maintain a current tariff of retail rates and all special contracts for retail rates on file with the commission. The certificated carrier may modify retail rates, offer new or repackaged services, and implement special contracts for retail service without approval of the commission after 30 days' notice to the commission of a tariff filing submitted in accordance with 3 AAC 48.220 and 3 AAC 48.270. A tariff filing by a registered entity must comply with 3 AAC 52.367 unless it is a special contract. A special contract filed by a registered entity must be submitted in accordance with 3 AAC 48.220 and 3 AAC 48.270. A modification in retail rates must be consistent with (a) of this section.

(Eff. 3/16/91, Register 117; am 7/8/93, Register 127; am 9/1/2002, Register 163; am 5/18/2003, Register 166; am 9/16/2005, Register 175; am 10/6/2013, Register 208; am 10/27/2017, Register 224)

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

Register 224, January 2018    COMMERCE, COMMUNITY, AND EC. DEV.

3 AAC 52.375(b) is amended to read:

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

(Eff. 3/16/91, Register 117; am 7/8/93, Register 127; am 9/1/2002, Register 163; am 5/18/2003, Register 166; am 9/16/2005, Register 175; am 10/27/2017, Register 224)

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

3 AAC 52.390(a) is amended to read:

**3 AAC 52.390. Miscellaneous provisions.** (a) The provisions of 3 AAC 48.275, 3 AAC 48.277, and 3 AAC 48.430 do not apply to an interexchange carrier.

(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; am

Register 224, January 2018 COMMERCE, COMMUNITY, AND EC. DEV.  
10/27/2017, Register 224)

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

3 AAC 52.732 is amended to read:

**3 AAC 52.732. Tariffs revisions.** A provisionally certificated utility may revise its tariffs without commission approval, but must file any revision within 30 days after the effective date of the revised tariff. The filing must be submitted in accordance with 3 AAC 48.220 and 3 AAC 48.270 and state the effective date of the revised tariff. (Eff. 6/19/2004, Register 170; am 11/6/2016, Register 220; am 10/27/2017, Register 224)

**Authority:** AS 42.05.141 AS 42.05.151 AS 42.05.361

3 AAC 52.734(a) is amended to read:

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

(Eff. 6/19/2004, Register 170; am 10/27/2017, Register 224)

**Authority:** AS 42.05.141 AS 42.05.151 AS 42.05.361

3 AAC 52.810(a) is amended to read:

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

(Eff. 6/29/2014, Register 170; am 10/27/2017, Register 224)

**Authority:** AS 42.05.141 AS 42.05.151

Register 224, January 2018 COMMERCE, COMMUNITY, AND EC. DEV.

3 AAC 53.200(a) is amended to read:

**3 AAC 53.200. Applicability of local exchange competition provisions, purpose, and waiver.** (a) The provisions of 3 AAC 53.200 - 3 AAC 53.299 apply to all local exchange carriers that furnish local exchange telephone service within a competitive local exchange market as designated under 3 AAC 53.205. The provisions of 3 AAC 53.210, 3 AAC 53.245, 3 AAC 53.290(a)(2), and 3 AAC 53.220(d) apply in noncompetitive areas also.

(Eff. 6/21/98, Register 146; am 9/16/2005, Register 175; am 10/27/2017, Register 224)

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

3 AAC 53.240(b) is amended to read:

(b) A nondominant carrier shall maintain a current tariff of retail rates and all special contracts for retail rates on file with the commission. A nondominant carrier may modify retail rates and implement special contracts for retail services without approval of the commission after 30 days' notice to the commission of a tariff filing submitted in accordance with 3 AAC 48.220, 3 AAC 48.270, and 3 AAC 53.290(f).

3 AAC 53.240(c) is amended to read:

(c) A dominant carrier shall maintain a current tariff of retail rates and all special contracts for retail rates on file with the commission. A dominant carrier may reduce retail rates, offer new or re-packaged services, and implement special contracts for retail services without approval of the commission after 30 days' notice to the commission of a tariff filing submitted in accordance with 3 AAC 48.220, 3 AAC 48.270,

Register 224, January 2018 COMMERCE, COMMUNITY, AND EC. DEV.

and 3 AAC 53.290(f). A tariff revision by a dominant carrier to increase a rate is subject to the provisions of 3 AAC 48.200 - 3 AAC 48.430.

(Eff. 6/21/98, Register 146; am 9/16/2005, Register 175; am 10/27/2017, Register 224)

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

The introductory language of 3 AAC 53.243(d) is amended to read:

(d) The provisions of 3 AAC 48.270(a) do not apply to filings made under this section. The provisions of 3 AAC 48.390(a) and 3 AAC 48.390(b)(1) 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

. . .

The introductory language of 3 AAC 53.243(d)(2) is amended to read:

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

. . .

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

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

The introductory language of 3 AAC 53.243(e) is amended to read:

Register 224, January 2018    COMMERCE, COMMUNITY, AND EC. DEV.

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

. . .

3 AAC 53.243(e)(2)(G) is amended to read:

(G) margin notations set out in 3 AAC 48.360(g) and (h) indicating changes.

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

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

(Eff. 9/16/2005, Register 175; am 8/20/2016, Register 219; am 11/6/2016, Register 220; am 10/27/2017, Register 224)

**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

The introductory language of 3 AAC 53.245(d) is amended to read:

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

. . .

(Eff. 9/16/2005, Register 175; am 11/6/2016, Register 220; am 10/27/2017, Register 224)



Register 224, January 2018    COMMERCE, COMMUNITY, AND EC. DEV.

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

AS 42.05.151

3 AAC 53.290(a) is amended to read:

**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; and

(2) 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.

Register 224, January 2018 COMMERCE, COMMUNITY, AND EC. DEV.

3 AAC 53.290(h) is amended to read:

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

3 AAC 53.290(j) is amended to read:

(j) If the commission, by order, finds that an exchange is no longer served by multiple certificated facilities-based local exchange carriers, the remaining certificated facilities-based local exchange carrier shall be a dominant carrier for all retail services and shall also be the carrier of last resort. The provisions of 3 AAC 48.275, 3 AAC 48.277, and 3 AAC 48.430 apply to the remaining certificated facilities-based local exchange carrier. The provisions of 3 AAC 53.240 and 3 AAC 53.243 no longer apply to the remaining certificated facilities-based local exchange carrier. The commission will determine, upon petition or on its own motion, whether the exchange remains a competitive local exchange market. (Eff. 6/21/98, Register 146; am 11/11/2001, Register 160; am 4/24/2004, Register 170; am 9/16/2005, Register 175; am 7/31/2011, Register 199; am 11/6/2016; Register 220; am 10/27/2017, Register 224)

**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

Register 224, January 2018 COMMERCE, COMMUNITY, AND EC. DEV.

3 AAC 53.345(c) is amended to read:

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

(Eff. 7/31/2011, Register 199; am 10/27/2017, Register 224)

<b>Authority:</b>	AS 42.05.141	AS 42.05.311	AS 42.05.431
	AS 42.05.145	AS 42.05.321	AS 42.05.830
	AS 42.05.151	AS 42.05.381	AS 42.05.840
	AS 42.05.291		