MEMORANDUM
Regulatory Commission of Alaska
701 West Eighth Avenue, Suite 300, Anchorage, Alaska 99501
1-907-276-5222 (Phone); 1-907-276-0436 (Fax)

TO: Representative Ralph Samuels
Chair
Legislative Budget and Audit Committee

DATE: January 30, 2004

FROM: Rosalie Nizich
RCA Process Coordinator

THROUGH: Mark K. Johnson
Chair


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

The Commission reports the following order that was issued following consent from the parties of the statutory timelines of AS 42.05.175:

Order U-02-94(7)/U-02-95(3)/U-02-99(7), issued October 8, 2003 and Waiver of Statutory Requirements, filed October 2, 2003. Note: Previous waivers were filed in Dockets U-02-94 and U-02-99. The October 2, 2003 waiver pertains to Docket U-02-95.

The following order was issued by the Commission for good cause under AS 42.05.175(f) (1)-(3):


Additionally, during this reporting period, the following docket was remanded from the Superior Court to the RCA and, measured from the opening of the investigation, has now exceeded the statutory timeline:


Attachments
STATE OF ALASKA
THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:
Mark K. Johnson, Chair
Kate Giard
Dave Harbour
James S. Strandberg
G. Nanette Thompson

In the Matter of an Application by GREAT ALASKA SANITATION for a New Certificate of Public Convenience and Necessity to Provide Public Utility Refuse Service Within the Municipality of Anchorage

ORDER EXTENDING STATUTORY TIMELINE AND REQUIRING FILINGS

BY THE COMMISSION:

Summary

We extend the statutory timeline for the issuance of a final order in this docket through January 12, 2004. We provide an opportunity for the Municipality of Anchorage (Municipality) to file its determination regarding implementation of a franchise system for residential refuse collection by December 17, 2003.

Background

Great Alaska Sanitation (Great Alaska) filed an application for a certificate of public convenience and necessity on April 11, 2003. The application was noticed on April 18, 2003 for public comments in support of, or in opposition to, Great Alaska's application with a closing date of May 20, 2003.

The Municipality filed comments on April 30, 2003 opposing Great Alaska's application based upon prospective plans for the Municipality to enter into a franchise system for the collection of residential refuse. In order to implement the
franchise system, the Municipality would be required to acquire Great Alaska if the Commission certificated it. Comments opposing the application were received from the Municipality of Anchorage Assembly on May 13, 2003, Waste Management of Alaska, Inc. on May 15, 2003, and Senator Gretchen Guess on May 21, 2003. Great Alaska filed responsive comments on May 30, 2003, requesting that the Commission not base its decision upon speculation about what residential refuse scheme the Municipality may pursue. We delayed our consideration of Great Alaska's application until September 1, 2003, to give the Municipality an opportunity to determine whether it would pursue a franchise system for residential refuse collection.¹

On September 2, 2003, the Municipality filed a petition for leave to intervene and a motion to extend our six-month timeline for ninety days in accordance with AS 42.05.175(f). The Municipality proposed a schedule in which it projected a decision by the week of December 15, 2003, and the proposed ninety-day timeline extension would expire on January 12, 2004.

WMA filed a non-opposition to the Municipality's motion on September 5, 2003. In its September 16, 2003 filing, Great Alaska also stated that it was not opposed to the ninety-day extension but asked that we make a determination on its application before the end of the 2003 calendar year.

Discussion

Based upon our review of the record in this proceeding, we will extend the statutory timeline for this proceeding ninety days. AS 42.05.175(a)(1) requires that we issue a final order no later than six months after a complete application for a certificate of public convenience and necessity is filed. We would therefore be required to issue a final order in this docket by October 13, 2003. AS 42.05.175(f) provides that we may

extend the timeline if good cause exists. We find that good cause exists to extend this
timeline until January 12, 2004. Our record should include the Municipality’s decision
on whether it will implement a citywide franchise system. If the Municipality intends to
implement a citywide franchise system, it should notify us no later than
December 17, 2003.

ORDER
THE COMMISSION FURTHER ORDERS:
1. The timeline for a final order to be issued in this docket is extended
2. By 4:00 p.m., December 17, 2003, the Municipality of Anchorage
may file comments regarding whether it will implement a franchise system for residential
refuse collection.

DATED AND EFFECTIVE at Anchorage, Alaska, this 10th day of October, 2003.

BY DIRECTION OF THE COMMISSION
(Commissioners Kate Giard and Mark K. Johnson,
not participating.)