

State of Alaska
Department of Law

Frank H. Murkowski
Governor
P.O. Box 110001
Juneau, Alaska 99811-0001
NEWS RELEASE



Gregg Renkes
Attorney General
907-465-3600
FAX: 907-465-2075
www.law.state.ak.us

FOR IMMEDIATE RELEASE: June 25, 2004

Governor Signs Bill to Empower and Fund Utilities Public Advocate:
Legislation gives Attorney General the “Legs” as well as the authority to weigh in
on matters before the Regulatory Commission of Alaska

(Juneau) – Today Governor Frank H. Murkowski signed SB 392, legislation that provides the state attorney general with the funding and legal tools to act as the public advocate in matters brought before the Regulatory Commission of Alaska (RCA). The RCA is a quasi-judicial agency that regulates public utilities and pipelines in Alaska.

“A year ago the Governor signed Executive Order 111 establishing in the Office of the Attorney General the authority to intervene in statewide utility issues on behalf of the citizens of this state,” said Alaska Attorney General Gregg Renkes. “Today’s legislation gives the Department of Law the resources and administrative tools needed to independently advance consumer protection to a highly specialized and critically important area of the law.”

The law that was signed today received broad support from utility companies and state and national organizations that focus on consumer protection issues including AKPIRG and the AARP.

“Since well before the creation of the RCA, the Alaska Telephone Association has campaigned for greater separation between the advocacy and adjudicatory arms of the Commission,” said Jim Rowe, Executive Director of the Alaska Telephone Association. “With this legislation, adjudication will now be based upon testimony entered in the public record. The opportunity to educate the decision-makers, to the benefit of industry and the public, has been dramatically increased.”

In the year since Executive Order 111 went into effect, the attorney general has participated in over a dozen cases in his role as public advocate. These cases range from consumer complaints regarding the cost of power in Interior Alaska to reviewing pricing mechanisms and other legal terms under a proposed gas supply contract. In a number of these cases the RCA requested the attorney general’s participation. The attorney general can also elect to participate in cases.

“The Executive Order and the new legislation granted sufficient autonomy for Department of Law staff to join the National Association of State Utility Consumer Advocates (NASUCA) – a nationwide association that focuses on public advocacy practices and procedures, which will refine the department’s ability to advocate for the public in Alaska,” said Renkes. “In addition, by separating out this function from the RCA’s direct control, the public advocate has the discretion to appeal decisions of the commission if warranted.”

More

The law signed into effect today provides the administrative and funding “legs” necessary for the attorney general to carry out his duties as public advocate. Utility providers, not the general fund, pay the RCA’s operating costs. Nearly 20 percent of this funding will be allocated for the public advocate.

The funding structure included in the legislation received strong support from AARP. “With today’s tight budgets it makes sense to allow the attorney general to recoup expenses for its public advocacy function from the utilities,” said J. Pat Luby, AARP’s Associate State Director for Advocacy. “The attorney general now possesses the budget necessary to fulfill his advocacy functions without weighing these functions against competing priorities funded within the department of law’s existing budget.”

In addition, the legislation provides the advocate the qualified right to access relevant documentation from utility companies needed for the attorney general to meaningfully advocate on the public’s behalf. It also exempts state agencies from paying allocated costs to the RCA if that agency is a party to an RCA proceeding.

The full text for Senate Bill 392 is available online at:

http://www.legis.state.ak.us/basis/get_bill.asp?session=23&bill=sb392.

The full text for Executive Order 111 is available online at:

http://old-www.legis.state.ak.us/cgi-bin/folioisa.dll/exor/query=*/doc/{t113}?

###