



LAWS OF ALASKA

2004

Source
SB 392

Chapter No.
98

AN ACT

Relating to the expenses of investigation, hearing, or public advocacy before the Regulatory Commission of Alaska, to calculation of the regulatory cost charge for public utilities and pipeline carriers to include the Department of Law's costs of its public advocacy function, to inspection of certain books and records by the attorney general when participating as a party in a matter before the Regulatory Commission of Alaska; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to the expenses of investigation, hearing, or public advocacy before the Regulatory
2 Commission of Alaska, to calculation of the regulatory cost charge for public utilities and
3 pipeline carriers to include the Department of Law's costs of its public advocacy function, to
4 inspection of certain books and records by the attorney general when participating as a party
5 in a matter before the Regulatory Commission of Alaska; and providing for an effective date.

6

7 * Section 1. AS 42.05.254(a) is amended to read:

8 (a) A regulated public utility operating in the state shall pay to the commission
9 an annual regulatory cost charge in an amount not to exceed the maximum percentage
10 of adjusted gross revenue that applies to the utility sector of which the utility is a part.
11 The regulatory cost charges that the commission expects to collect from all regulated
12 utilities may not exceed the sum of the following percentages [.8 PERCENT] of the

1 total adjusted gross revenue of all regulated public utilities derived from operations in
2 the state: (1) not more than .7 percent to fund the operations of the commission,
3 and (2) not more than .17 percent to fund operations of the public advocacy
4 function under AS 42.04.070(c) and AS 44.23.020(e) within the Department of
5 Law. An exempt utility shall pay the actual cost of services provided to it by the
6 commission.

7 * Sec. 2. AS 42.05.254(b) is amended to read:

8 (b) The commission shall by regulation establish a method to determine
9 annually the amount of the regulatory cost charge for a public utility. If the amount
10 the commission expects to collect under (a) of this section and under AS 42.06.286(a)
11 exceeds the authorized budgets [BUDGET] of the commission and the Department
12 of Law public advocacy function under AS 42.04.070(c) and AS 44.23.020(e), the
13 commission shall, by order, reduce the percentages determined under (h) of this
14 section so that the total amount of the fees collected approximately equals the
15 authorized budgets [BUDGET] of the commission and the Department of Law
16 public advocacy function under AS 42.04.070(c) and AS 44.23.020(e) for the fiscal
17 year.

18 * Sec. 3. AS 42.05.254(e) is amended to read:

19 (e) The commission shall administer the charge imposed under this section.
20 The Department of Revenue shall collect and enforce the charge imposed under this
21 section. The Department of Administration shall identify the amount of the operating
22 budgets [BUDGET] of the commission and the Department of Law public
23 advocacy function under AS 42.04.070(c) and AS 44.23.020(e) that lapse
24 [LAPSES] into the general fund each year. The legislature may appropriate an
25 amount equal to the lapsed amount to the commission and to the Department of Law
26 public advocacy function under AS 42.04.070(c) and AS 44.23.020(e) for [ITS]
27 operating costs for the next fiscal year. If the legislature does so, the commission shall
28 reduce the total regulatory cost charge collected for that fiscal year by a comparable
29 amount.

30 * Sec. 4. AS 42.05.254(h) is amended to read:

31 (h) The commission shall by regulation establish a method to determine

1 annually the maximum percentage of adjusted gross revenue that will apply to each
2 regulated public utility sector and the maximum percentage of gross revenue that will
3 apply to the regulated pipeline carrier sector. **Other** [THE METHOD
4 ESTABLISHED SHALL ALLOCATE THE COMMISSION'S COSTS, OTHER] than
5 the cost of services provided to exempt utilities, **the method established shall**
6 **allocate the commission's costs, and the Department of Law's certified costs of its**
7 **public advocacy function under AS 42.04.070(c) and AS 44.23.020(e),** among the
8 regulated public utility sectors and the regulated pipeline carrier sector based on the
9 relative amount of the commission's annual costs **and the Department of Law's**
10 **certified costs** that is attributable to regulating each sector. **For purposes of this**
11 **subsection, the Department of Law shall annually certify to the commission the**
12 **costs of its public advocacy function under AS 42.04.070(c) and AS 44.23.020(e).**

13 * Sec. 5. AS 42.05.501 is amended by adding a new subsection to read:

14 (b) When participating as a party under AS 42.04.070(c) or AS 44.23.020(e),
15 the attorney general shall, at all reasonable times, have the right to reasonable access
16 to, and may designate any of the attorney general's employees, agents, or consultants
17 to inspect and examine, the accounts, records, books, maps, inventories, appraisals,
18 valuations, or other reports and documents kept by public utilities that are relevant to
19 the issues presented in any adjudicatory matter before the commission in which the
20 attorney general has appeared as a party under AS 42.04.070(c) or AS 44.23.020(e).
21 This access is subject to reasonable notice to all parties with an opportunity to object
22 before the commission. Included under this subsection is access to records or other
23 documents under the custody or control of an affiliated interest of a public utility that
24 relate to any contract or transaction between the public utility and the affiliated
25 interest.

26 * Sec. 6. AS 42.05.651 is amended by adding a new subsection to read:

27 (c) Notwithstanding the commission's discretion under (a) of this section to
28 allocate costs to parties, the commission may not require a state agency to pay any
29 costs allocated to the state agency.

30 * Sec. 7. AS 42.05.671(c) is amended to read:

31 (c) A person may make written objection to the public disclosure of

1 information contained in a record under the provisions of this chapter or of
2 information obtained by the commission or by the attorney general under the
3 provisions of this chapter, stating the grounds for the objection. When an objection is
4 made, the commission may not order the information withheld from public disclosure
5 unless the information adversely affects the interest of the person making written
6 objection and disclosure is not required in the interest of the public.

7 * Sec. 8. AS 42.06.286(a) is amended to read:

8 (a) A pipeline carrier operating in the state shall pay to the commission an
9 annual regulatory cost charge in an amount not to exceed the sum of the following
10 percentages [.8 PERCENT] of gross revenue derived from operations in the state: (1)
11 not more than .7 percent to fund the operations of the commission, and (2) not
12 more than .17 percent to fund operations of the public advocacy function under
13 AS 42.04.070(c) and AS 44.23.020(e) within the Department of Law. A regulatory
14 cost charge may not be assessed on pipeline carrier operations unless the operations
15 are within the jurisdiction of the commission.

16 * Sec. 9. AS 42.06.286(b) is amended to read:

17 (b) The commission shall by regulation establish a method to determine
18 annually the amount of the regulatory cost charge. If the amount the commission
19 expects to collect under (a) of this section and under AS 42.05.254(a) exceeds the
20 authorized budgets [BUDGET] of the commission and the Department of Law
21 public advocacy function under AS 42.04.070(c) and AS 44.23.020(e), the
22 commission shall, by order, reduce the percentage determined under (e) of this section
23 so that the total amount of the fees collected approximately equals the authorized
24 budgets [BUDGET] of the commission and the Department of Law public
25 advocacy function under AS 42.04.070(c) and AS 44.23.020(e) for the fiscal year.

26 * Sec. 10. AS 42.06.286(c) is amended to read:

27 (c) The commission shall administer the charge imposed under this section.
28 The Department of Revenue shall collect and enforce the charge imposed under this
29 section. The Department of Administration shall identify the amount of the operating
30 budgets [BUDGET] of the commission and the Department of Law public
31 advocacy function under AS 42.04.070(c) and AS 44.23.020(e) that lapse

1 [LAPSES] into the general fund each year. The legislature may appropriate an
2 amount equal to the lapsed amount to the commission **and to the Department of Law**
3 **public advocacy function under AS 42.04.070(c) and AS 44.23.020(e)** for [ITS]
4 operating costs for the next fiscal year. If the legislature does so, the commission shall
5 reduce the total regulatory cost **charge** [CHARGED] collected for that fiscal year by a
6 comparable amount.

7 * Sec. 11. AS 42.06.440 is amended by adding a new subsection to read:

8 (b) Subject to AS 31.05.035(c), when participating as a party under
9 AS 42.04.070(c) or AS 44.23.020(e), the attorney general shall, at all reasonable
10 times, have the right to reasonable access to, and may designate any of the attorney
11 general's employees, agents, or consultants to inspect and examine, the accounts,
12 records, books, maps, inventories, appraisals, valuations, or other reports and
13 documents kept by an oil or gas pipeline carrier that are relevant to the issues
14 presented in any adjudicatory matter before the commission in which the attorney
15 general has appeared as a party under AS 42.04.070(c) or AS 44.23.020(e). This
16 access is subject to reasonable notice to all parties with an opportunity to object before
17 the commission. Included under this subsection is access to records or other
18 documents under the custody or control of an affiliated interest of the pipeline carrier
19 that relate to any contract or transaction between the public utility and the affiliated
20 interest. Costs incurred in complying with a request to review the records referred to
21 in this subsection or to maintain those records in such a manner as to make them
22 conveniently available for review shall be borne by the party controlling the records.

23 * Sec. 12. AS 42.06.445(d) is amended to read:

24 (d) A person may make written objection to the public disclosure of
25 information contained in a record filed under the provisions of this chapter or of
26 information obtained by the commission **or by the attorney general** under the
27 provisions of this chapter, stating the grounds for the objection. When an objection is
28 made, the commission shall order the information withheld from public disclosure if
29 the information adversely affects the interest of the person making written objection
30 and disclosure is not required in the interest of the public.

31 * Sec. 13. AS 42.06.610 is amended by adding a new subsection to read:

1 (d) Notwithstanding the commission's discretion under (a) and (b) of this
2 section to allocate costs to parties, the commission may not require a state agency to
3 pay any costs allocated to the state agency.

4 * **Sec. 14.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

6 **APPLICABILITY.** AS 42.05.651(c), enacted by sec. 6 of this Act, and
7 AS 42.06.610(d), enacted by sec. 13 of this Act, apply to orders issued by the Regulatory
8 Commission of Alaska regardless of whether the related proceeding under AS 42.05 or
9 AS 42.06 was begun before the effective date of this Act.

10 * **Sec. 15.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 **RETROACTIVITY.** The enactment of AS 42.05.651(c), made by sec. 6 of this Act,
13 and of AS 42.06.610(d), made by sec. 13 of this Act, is retroactive to May 30, 2003.

14 * **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section to
15 read:


16 **REVISOR'S INSTRUCTION.** The revisor of statutes is instructed to change the
17 heading of AS 42.05.501 from "Inspection of books and records by commission" to
18 "Inspection of books and records."

19 * **Sec. 17.** This Act takes effect July 1, 2004.


AUTHENTICATION

The following officers of the Legislature certify that the attached enrolled bill, SB 392, consisting of 6 pages, was passed in conformity with the requirements of the constitution and laws of the State of Alaska and the Uniform Rules of the Legislature.

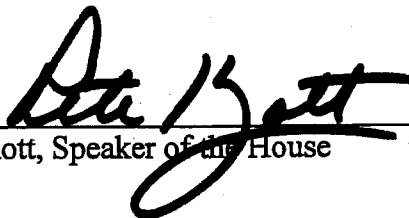
Passed by the Senate May 6, 2004


Gene Therriault, President of the Senate

ATTEST:


Kirsten Waid, Secretary of the Senate

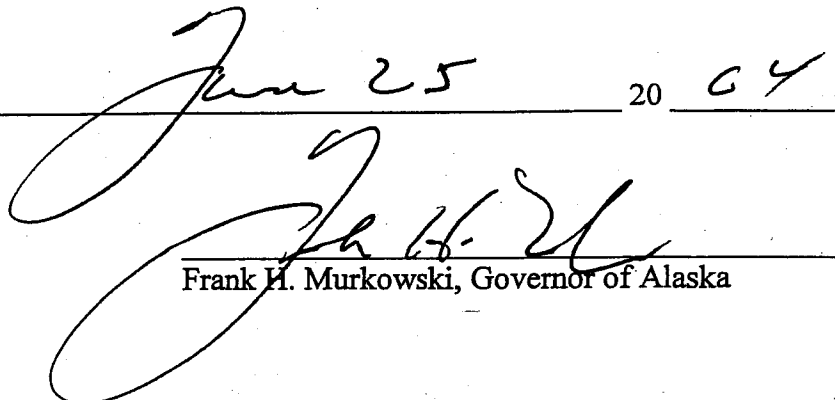
Passed by the House May 11, 2004


Pete Kott, Speaker of the House

ATTEST:


Suzi Lowell, Chief Clerk of the House

Approved by the Governor


Frank H. Murkowski, Governor of Alaska