



# Regulatory Commission of Alaska

KEITH KURBER II, CHAIRMAN

# Where we started:

Alaska Public Service Commission (APSC) 1960-1970. The Alaska Public Utilities Commission (APUC) was created in 1970 to replace APSC. The Alaska Pipeline Commission (APC) was established in 1972 to regulate intrastate pipelines. The APC regulated intrastate pipelines until 1981, at which time the APC was merged into the APUC.

In 1999, the Alaska Legislature replaced the APUC with the Regulatory Commission of Alaska (RCA) giving it a broad authority to regulate utilities and pipeline carriers.



# Organizational Structure

## Commission Section

- Five Commissioners  
(Appointed by the Governor and confirmed by the Legislature)
- Commission Section Manager
- Consumer Protection & Information Staff
- Support Staff
  - (Administrative, LOAs, Records & Filing, Information Systems)

## Administrative Law Section

- Administrative Law Judges
- Paralegals

## Advisory Section

- Utility Tariff Analysts
- Utility Engineering Analysts
- Utility Financial Analysts
- Communications Common Carrier Specialists (Telecom)

## Utility Master Analysts



Keith Kurber II  
RCA Chairman



Robert A. Doyle



John Espindola



Robert M. Pickett



Janis W. Wilson

# RCA Mission Statement

Ensure that safe, efficient, and reliability utility and pipeline services are provided to the public at just and reasonable rates, thereby protecting consumer interests and promoting economic development.

# RCA Authority

Alaska Statute (AS) 42.04 (APUC)

AS 42.05 (Public Utilities)

AS 42.05.760 – 42.05.800 (Electric Reliability Organization)

AS 42.06 (Common Carrier Pipelines)

AS 42.08 (Contract Carrier Pipelines)

AS 42.45 (Power Cost Equalization)

AS 42.05.141(a) - The Regulatory Commission of Alaska may do all things necessary or proper to...regulate every public utility engaged or proposing to in a utility business inside the state, ....

# Ex-Parte Rules

Pursuant to 3 AAC 48.020(g), a commissioner, presiding officer, or commission staff member may not, except upon reasonable notice and opportunity for all parties to participate, communicate with a party, and other affected persons, about any issue of fact, law, or policy in a pending adjudicatory proceeding (3 AAC 48.020(g)).

The Chair of the commission shall assign the work of the commission to members and staff of the commission so that matters before the commission are resolved as expeditiously and competently as possible...

AS 42.04.070(3)

# Definition of a Public Utility:

AS 42.05.990(4) “public utility” or “utility” includes every corporation whether public cooperative, or otherwise, company, individual, or association of individuals, their lessees, trustees, or receivers appointed by a court, that owns, manages, or controls any plant, pipeline or system for:

- (A) furnishing by generation, transmission, or distribution, electrical service to the public for compensation;
- (B) furnishing telecommunications service to the public for compensation;
- (C) furnishing water, steam, or sewer service to the public for compensation;
- (D) furnishing by transmission or distribution of natural or manufactured gas to the public for compensation;
- (E) furnishing for distribution or by distribution petroleum or petroleum products to the public for compensation;
- (F) furnishing collection and disposal service of garbage, refuse, trash, or other waste material to the public for compensation;
- (G) furnishing the service of natural gas storage to the public for compensation;
- (H) furnishing the service of liquified natural gas storage to the public for compensation;



# Definition of Public or General Public:

AS 42.05.990(3) “public” or “general public” means

- (A) a group of 10 or more customers that purchase the service or commodity furnished by a public utility;
- (B) one or more customers that purchase electrical service for use within an area that is certificated to and presently or formerly served by an electric utility if the total annual compensation that the electrical utility receives for sales of electricity exceeds \$50,000; and
- (C) a utility purchasing the product or service or paying for the transmission of electrical energy, natural or manufactured gas, or petroleum products that are re-sold to a person or group included in (A) or (B) of this paragraph or that are used to produce the service or commodity sold to the public by the utility;

# Certificate of Public Convenience and Necessity

(CPCN)

Alaska Statutes 42.05 (Public Utilities) and 42.06 (Pipeline Act) authorizes RCA to certificate qualified providers of public utility and pipeline services.

A certificate may not be issued unless the RCA finds that the applicant is fit, willing, and able, and that the services are required for the convenience and necessity of the public (AS 42.05.241).

# What We Do: Regulate Public Utilities & Pipeline Carriers

---

## *RCA Core Services*

### Certification

- Reviews applications for Certificates of Public Convenience & Necessity (CPCN) and determines if applicants are **fit, willing, and able** to provide service.

### Tariff Review

- Reviews tariff filings made by utilities or pipeline carriers that seek to change their rates or terms of service.

### Regulation of Rates and Services

- Determines the rates a utility charges its customers are **just and reasonable**, and that rates, services and practices of public utilities abide by their filed tariff.

### Dispute Resolution

- Investigates complaints regarding utility service quality, billing or management practices.

### Calculation of Power Cost Equalization

- Calculates the power cost equalization amounts for each participating electric utility and the base rate.

# What We Do: Certificated Entities

## Electric Utilities: 128

- Rate Regulated: 34                      Not Rate Regulated: 94

## Water Utilities: 65+

- Rate Regulated: 16                      Not Rate Regulated: 49
- Provisionally Certificated: 75

## Wastewater Utilities: 66+

- Rate Regulated: 16                      Not Rate Regulated: 50
- Provisionally Certificated: 39

## Natural Gas/Gas Storage Utilities: 10

- Rate Regulated: 5                      Not Rate Regulated: 5

## Refuse Utilities: 57

- Rate Regulated: 20                      Not Rate Regulated: 37

## Steam Heat Utilities: 3

- Rate Regulated: 3

## Telecommunications: 149

- Regulated: 3 providing inmate service                      Not Regulated: 146

## Pipeline Carriers: 24

- Common Carrier Pipelines: 24                      Contract Carrier Pipelines: 0

## Electric Reliability Organizations: 1

# Utilities Exempt from Rate Regulation

- ❖ Utilities owned by political subdivisions of the State (city or state owned).
- ❖ Small water and sewer utilities (e.g. community wells).
- ❖ Electric or telephone utilities that do not gross more than \$50,000 revenues annually.
- ❖ Refuse utilities that does not gross more than \$300,000 revenues annually.
- ❖ The commercial portion of refuse utilities that provide service in the Municipality of Anchorage, Portage, Whittier, and the Fairbanks North Star, Matanuska-Susitna, and Kenai Peninsula Boroughs.
- ❖ Electric and telephone cooperatives that elect to be exempt through Deregulation Election (member votes).
- ❖ Cable, Internet, and Wireless Services.
- ❖ Telephone utilities that provide service other than inmate calling service.
- ❖ Utilities granted exemption where the Commission has found exemption in the public interest.

# Tariff Review

## Analyze terms and conditions of public utility service

- What are the consequences:
  - To customers?
  - To other utilities?
  - To the community?
  - To the State?
- Are the rates just and reasonable?

# Tariff Review Process

---

## Tariff Revision:

- Entity files a tariff filing.
- Public notice is issued for public comment:
  - 30-day comment period for utilities
  - 21-day comment period pipelines
  - 20-day comment period for electric reliability organizations
- Review Period:
  - 45 days for utilities
  - 30 days for pipeline carriers
  - 45 days for electric reliability organizations
- Prior to the end of the review period the Commission will approve, reject, or suspend the filing.

## Tariff Suspension into a Docket:

- Suspended for further investigation.
- A commission panel and administrative law judge are assigned.
- May invite participation to intervene, include the Attorney General (Regulatory Affairs and Public Advocacy).
- Hold evidentiary hearings.
- Issue a final order (AS 42.05.175):
  - Within 450 days for changes to a revenue requirement or rate design
  - Within 270 days for changes other than a revenue requirement or rate design

# Dispute Resolution

---

## Informal Complaint

Under 3 AAC 48.120, an informal complaint may be filed with the Commission's Consumer Protection & Information Section provided that:

- The complaint is first made to the utility.
- The complainant provides every pertinent fact relative to the origin, nature, and basis of the complaint.

Staff will work with the complainant and utility to find resolution to the complaint.

## Formal Complaint and Alternate Dispute Resolution

A party who is not satisfied with the resolution of the informal complaint may file a request for action under an alternative dispute resolution or under a formal complaint process.



# Power Cost Equalization (PCE) Program

---

Under the Power Cost Equalization Program, the State of Alaska pays a portion of the electric bills for consumers served by utilities participating in the program.

The RCA establishes the PCE amount (cents/KWh) applicable to each utility, regardless if the utility is otherwise subject to RCA's economic regulation.

More than 150 communities participate in the PCE program.

AS 42.45.110(c)(2) provides that the Commission will, during each fiscal year, adjust the power costs for which PCE may be paid to an electric utility based on the weighted average retail residential rate in Anchorage, Fairbanks, and Juneau, and subject to the statutory ceiling.

The PCE program is administered by the Alaska Energy Authority (AEA).

# RCA Website (rca.alaska.gov)

News items

Calendar of Meetings

Public Notices

Complaint Portal

Find Dockets Tariffs Certificates

The screenshot shows the homepage of the Regulatory Commission of Alaska. At the top, there is a navigation bar with the RCA logo and the text "Regulatory Commission of Alaska". Below this, there are several menu items: "What's New at the RCA", "RCA Exchange", "For Consumers", "For Legislators", "RCA Library", "Programs and Utilities", and "Provisional Certification". On the right side of the navigation bar, there are links for "login", "Forgot password?", "Send Feedback", "Release Notes", and "View Cart".

The main content area is divided into several sections:

- Calendar of Events:** Located on the left side, it includes a "View Current Month" button and lists upcoming events under "HEARINGS", "PUBLIC MEETINGS", "TARIFF ACTION MEETINGS", and "WORKSHOPS".
- COVID-19 (Coronavirus) Utility-Related Information:** A prominent red-bordered box in the center-top of the main content area.
- RCA-Related Headlines:** A section with an "RSS" icon and a "Headline Archives" link, listing recent news items with dates and brief descriptions.
- Public Information:** A section on the right side with links for "View Public Notices & Submit Comments", "File an Informal Complaint", "Regulatory Affairs & Public Advocacy", and "Utility Rate Information".
- Top Searches:** A section on the right side with a list of search categories (e.g., "Issued Orders (30 Days)", "Recent Documents (30 Days)") and search input fields for "Find a Certificate", "Find an Entity (Company)", and "Find a Matter".

Red arrows point from external text labels to specific elements on the page: "News items" points to the "HEARINGS" section; "Calendar of Meetings" points to the "Calendar of Events" section; "Public Notices" points to the "Public Information" section; "Complaint Portal" points to the "File an Informal Complaint" link; and "Find Dockets Tariffs Certificates" points to the search input fields.

# Current Issues Facing the RCA

- ❖ Telecommunications Issues
- ❖ Electric Reliability Organization
- ❖ Struggling Utilities
- ❖ RPS
- ❖ Cook Inlet Gas
- ❖ RCA staffing issues/statutory cap
- ❖ RCA Relation to TF Target Objective

# RCA Mission Statement

Ensure that safe, efficient, and reliability utility and pipeline services are provided to the public at just and reasonable rates, thereby protecting consumer interests and promoting economic development.



# Thank You and Questions

---

Regulatory Commission of Alaska  
701 West 8<sup>th</sup> Avenue, Suite 300  
Anchorage, AK 99501  
(907) 276-6222