

STATE OF ALASKA

THE ALASKA PUBLIC UTILITIES COMMISSION

Before Commissioners:

Sam Cotten, Chairman
Alyce A. Hanley
Dwight D. Ornquist
Tim Cook
James M. Posey

In the Matter of the Consideration)
of Rules Governing the Provision)
of Telecommunications Relay Service)
in Alaska)
_____)

R-97-8¹
ORDER NO. 4

ORDER ADOPTING REGULATIONS, AS AMENDED

BY THE COMMISSION:

By Order R-97-8(2), dated April 13, 1998, the Commission issued proposed changes to regulations governing the provision of telecommunications relay service (TRS) in Alaska. In that Order, the Commission invited public comment on the proposed changes. Deadlines for comments and reply comments were due May 22, 1998, and June 8, 1998, respectively. A public meeting was held on June 15, 1998.

On November 3, 1998, the Commission Staff (Staff) filed a report (Report) addressing issues raised by Order R-97-8(2) and by public comment. Staff's Report also included recommendations for modifications to the proposed regulations.

¹Department of Law File No. 993-99-0070.

By Order R-97-8(3), dated November 5, 1998, the Commission issued Staff's November 3, 1998, Report for public comment. The Commission requested commentors to address whether the Commission can and should incorporate a local preference in the criteria used to select a TRS provider for Alaska.

On November 17, 1998, Staff filed a supplemental Report with the following recommendations:

- a. the Commission should not include local preference as a bid criteria;
- b. the Commission should not abandon objective weighting criteria altogether;
- c. the Commission should modify the proposed regulation addressing finance charges for late payments; and
- d. the Commission should adopt a provision requiring the TRS provider to file and maintain a tariff.

Discussion

At its Public Meeting of November 18, 1998, the Commission adopted the changes to its regulations proposed by Staff in Staff's November 17, 1998, Report with one exception. The Commission has determined Staff's proposed change to 3 AAC 51.020(e) should be modified as follows:

(f) [(e)] In reviewing applications, t [T]he commission will rank applicants using the following weighting [of] criteria:

(1) price for basic TRS expressed in dollars and cents per billable minute (40%);

(2) quality of service, which includes the requirements set forth in subsection (e) [(d)] of this section (40% [30%]);

(3) availability of, and price for, optional services [(20%);], and

[(4)] ability to meet or exceed any other criteria specified in the request for applications (20% [10%]).

The Commission has further determined that, for clarity, if no applications are received or if the Commission determines that none of the applicants are fit, willing, and able to provide the service, the regulations should be amended to require the current certificated provider to continue service under the terms and conditions of its currently filed tariff until the Commission awards a new certificate to a new entity. The Commission will issue a request for applications every four years. Therefore, 3 AAC 51.020 should be modified to include a new subsection, 3 AAC 51.020(c), to read:

(c) If no applications are received, or if the commission determines that none of the applicants are fit, willing, and able to provide the service, the current certificated provider will continue to provide service under the terms and conditions of its currently filed tariff until the commission awards a new certificate. If no applications are received, the commission will issue another request for applications every twelve months unless good cause indicates otherwise.

If the current certificated TRS provider does not apply to continue service or is required by the Commission to continue service, the Commission could also require the new TRS provider that is eventually granted permanent certification to purchase the plant investment of the current TRS provider.

ORDER

THE COMMISSION FURTHER ORDERS, That, as more fully discussed in the body of this Order, the changes to the regulations attached hereto as an Appendix are adopted.

DATED AND EFFECTIVE at Anchorage, Alaska, this 15th day of March, 1999.

BY DIRECTION OF THE COMMISSION
(Commissioners Alyce A. Hanley and
Dwight D. Ornquist, dissenting, in part;
Commissioner Tim Cook, concurring in result
with attached separate statement.)

(S E A L)