

# **Bond Case Briefs**

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## **PUBLIC UTILITIES - ALASKA**

### **Regulatory Commission of Alaska v. Matanuska Electric Association, Inc.**

**Supreme Court of Alaska - February 22, 2019 - P.3d - 2019 WL 847828**

Protesting electrical utilities appealed the decision of Regulatory Commission of Alaska (RCA), which concluded that RCA had jurisdiction over electrical utility's tariff applications.

The Superior Court reversed, concluding that RCA did not have authority. Applicant utility's and RCA's petitions for review were granted and converted to appeals.

The Supreme Court of Alaska held that:

- RCA order was an appealable order;
- Issue of RCA's authority was ripe for decision;
- The Superior Court was not required to wait for agency record to be prepared;
- Petition for reconsideration tolled time for appeal of RCA order; and
- RCA lacked authority over electric utility's tariff applications.

Regulatory Commission of Alaska (RCA) lacked authority to regulate wheeling rates, under statute and agreements regarding purchase and transmission of energy from hydroelectric project to utilities in distant service areas, and thus RCA lacked authority over electric utility's tariff applications; agreements clearly demonstrated parties' intent to restrict setting of wheeling rates to schedule set in services agreement, and therefore to exclude it from the RCA's jurisdiction, and statute precluded RCA from asserting jurisdiction over rates for services covered by agreements.