

THE REGULATORY COMMISSION OF ALASKA

T.W. Patch, Chairman  
Kate Giard  
Paul F. Lisankie  
Robert M. Pickett  
Janis W. Wilson

U-12-3

ORDER NO. 1

BY THE COMMISSION:

We suspend the tariff revision designated as TA18-653 filed by Alaska Pacific Environmental Services - Juneau, LLC (APES-JUNEA) into this docket for further investigation. The chairman invites participation by the Attorney General (AG). We address a timeline for a final decision in this proceeding. The chairman designates the commission panel and commission docket manager and appoints an administrative law judge.

Background

APES-JUNEA filed TA18-653 proposing to convert all its current customers to a new automated or semi-automated roll cart service.<sup>1</sup> We issued public notice of the filing on December 28, 2011. We received ten comments expressing concerns with the proposed service and the rates proposed for the service. APES-JUNEA filed two responses to the comments.<sup>2</sup>

Discussion

Suspend for Further Investigation

In TA18-653, APES-JUNEA seeks to replace its current manual refuse collection with automated or semi-automated refuse collection. APES-JUNEA argues that its new service will bring its customers in compliance with a Juneau Ordinance addressing refuse.<sup>3</sup> APES-JUNEA also claims that the proposed rates for its new service are effectively near or below existing rates for can service and that the new service will reduce the cost of refuse disposal over time.<sup>4</sup> APES-JUNEA asserts that container rental is a non-regulated service and claims that it will experience a reduction in regulated revenues.<sup>5</sup> However, it appears that once the monthly rental fee (\$3.95) for a container is added to the monthly rate for refuse collection, the monthly rate charged to most residential customers will increase and APES-JUNEA will experience an overall

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<sup>1</sup>TA18-653, filed December 22, 2011.

<sup>2</sup>*APES Response to Comments in TA18-653*, filed January 30, 2012; *APES 2nd Response to Comments in TA18-653*, filed February 2, 2012.

<sup>3</sup>TA18-653 at 3-5, 8.

<sup>4</sup>*Id.* at 8-10.

<sup>5</sup>*Id.* at 5, 13.

1 increase in revenues.<sup>6</sup> We have not ruled that the container rental proposed by  
2 APES-JUNEA is a non-regulated service.

3 Under AS 42.05.421, when a utility's tariff filing contains a revised rate, we  
4 may, upon written complaint or on our own motion and after reasonable notice, suspend  
5 the operation of the tariff and conduct hearings to determine the reasonableness and  
6 propriety of the filing. Among other issues, the treatment of container rental as a  
7 non-regulated charge and resultant increase in customer rates, and apparent overall  
8 increase in revenues for APES-JUNEA, require further investigation. Accordingly, we  
9 suspend TA18-653 to investigate the reasonableness and propriety of the filing. We  
10 incorporate all documents filed in TA18-653 into this docket.

11 Participation by the AG

12 The chairman invites the AG to participate in this proceeding to represent  
13 the public interest.<sup>7</sup> In doing so, the commission is exercising due diligence in ensuring  
14 that the public interest is well represented. The chairman requests that the AG  
15 participate and aid in addressing the issues identified above.

16 Suspension of TA18-653 and Decision Timeline

17 We suspend TA18-653 for an initial period of six months until August 6,  
18 2012.<sup>8</sup> We will address the statutory timeline applicable to our investigation in an order  
19 to follow.  
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23 <sup>6</sup>TA18-653 at 5-8.

24 <sup>7</sup>AS 42.04.070(c).

25 <sup>8</sup>AS 42.05.421(a).

Commission Panel

The chairman designates Commissioners Kate Giard, Paul F. Lisankie, and Robert M. Pickett as the commission panel<sup>9</sup> and designates Commissioner Giard as the commission docket manager.

Administrative Law Judge

Under AS 42.04.070(b), the chairman appoints Administrative Law Judge John P. Wood to facilitate conduct of the docket. The administrative law judge will issue procedural orders in this docket including discovery orders, unless the commission docket manager determines that a particular procedural order should be issued by the commission panel.<sup>10</sup> Orders issued by the administrative law judge will be considered orders of the commission for purposes of petitions for reconsideration under AS 42.05.171.<sup>11</sup>

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<sup>9</sup>Under AS 42.04.080(a), the chairman designates a commission panel to hear, or, if a hearing is not required, to otherwise consider and decide docketed matters.

<sup>10</sup>The commission docket manager, after consultation with other members of the panel, may delegate to the administrative law judge whatever authority to issue procedural orders he or she considers necessary or advisable in this docket. See 3 AAC 48.165(b).

<sup>11</sup>AS 42.05.171 states, in pertinent part:

A party may file a petition for reconsideration of, or an administrative appeal of, a decision by a hearing examiner, an arbitrator, a mediator, or an administrative law judge that has been approved by the commission, or a decision of a hearing panel.

**ORDER**

**THE COMMISSION FURTHER ORDERS:**

1. The tariff advice filing designated as TA18-653, filed December 22, 2011, by Alaska Pacific Environmental Services - Juneau, LLC is suspended into this docket for further investigation until August 6, 2012.

2. Commissioners Kate Giard, Paul F. Lisankie, and Robert M. Pickett are designated as the commission panel.

3. Commissioner Kate Giard is designated as the commission docket manager.

4. John P. Wood is appointed as administrative law judge in this proceeding.

DATED AND EFFECTIVE at Anchorage, Alaska, this 6th day of February, 2012.

BY DIRECTION OF THE COMMISSION  
(Commissioner Robert M. Pickett, not participating.)

