

(Continued from page 10)

other public utilities subject to the Commission's jurisdiction, i.e., no more than two months' billings, as estimated by the utility; the deposit may not be retained by the utility for a period more than two years if the customer has not been delinquent in payment more than one in 12 months. However, in the case of radio common carrier public utilities, those utilities are permitted to impose a customer deposit for use and possession of the utility's equipment and to retain that deposit for as long as the utility's equipment is in the customer's possession;

(4) The regulations are conformed to the underlying statute in the following particulars:

(A) 3 AAC 48.300(b)(4) with AS 42.05.421, relating to the period for which the operation of a tariff may be suspended;

(B) 3 AAC 48.810 with AS 42.05.020(a) to reflect the increase in the number of commissioners from three to five (per ch. 213, SLA 1975);

(C) 3 AAC 48.060(i); 3 AAC 48.070(b); 3 AAC 48.220(a); 3 AAC 48.270(a); 3 AAC 48, 280(b) and (c); 3 AAC 48.300(a); (b)(1), (b) (3), and (c); and 3 AAC 48.310(d) and (e) with AS 42.05.411(a) to reflect a change from 30 to 45 days in the notice period to the Commission following the filing of tariff revision (per ch. 64, SLA 1975);

(5) 3 AAC 48.820(16), (22), (23) and (31) are amended to revise the definitions of "intervenor," "protestant," "party," and "participant" to reflect actual practice before the Commission and to more closely conform them to the definitions contained in the rules of Civil Practice before the Alaska Court System;

(6) 3 AAC 48.275(d) is amended to revise the classification of public utilities based on annual gross operating revenues, to modify and simplify the uniform accounting practices required especially of the smaller public utilities subject to the Commission's jurisdiction;

(7) Paragraph (39) is added to: 3 AAC 48.820; and 3 AAC 48.200, 3 AAC 48.220(c), 3 AAC 48.230(a), 3 AAC 48.250(a), 3 AAC 48.280(a) and (b), 3 AAC 48.370(18) and 3 AAC 48.390(a) are amended to define "inter-utility contracts" between two or more public utilities and to subject these agreements to prior Commission approval in essentially the same manner as special contracts between a public utility and its customers;

(8) Pursuant to the petition of the Alaska Rural Electric Cooperative Association, 3 AAC 48.275(b) is amended to modify the supporting data required to be submitted with tariff revisions filed by electric cooperatives organized under AS 10.25 to conform to actual Commission practice by requiring the filing of schedules showing (1) the Times Interest Earned Ratio (TIER) earned by the cooperative for a recent normalized test year, (2) the TIER level which would allow the utility to return capital credits to its members on a 20-year rotation cycle and, at the same time, achieve a debt/equity ratio of 70/30 during that time period, and (3) the TIER level being requested by the cooperative.

Notice is also given that interested persons may present oral or written statements or arguments relevant to the action proposed at a hearing to be held at 9:00 a.m., on Monday, December 10, 1979, 1100 MacKay Building, 338 Denali Street, Anchorage, Alaska, and continuing, as necessary, through the balance of that week. Additionally, interested parties may submit briefs concerning the proposed adoption of these regulations by 4:00 p.m., Wednesday, December 5, 1979. These interested parties also may submit drafts of proposed revisions or modifications in the text of the proposed regulations by 4:00 p.m., Wednesday, December 5, 1979.

Copies of these amendments to its regulations also may be obtained by writing to: Alaska Public Utilities Commission, 1100 MacKay Building, 338 Denali Street, Anchorage, Alaska 99501. A table showing the proposed reclassification of public utilities based on annual gross operating revenues is available from the Commission upon request.

The Alaska Public Utilities Commission, upon its own motion or at the instance of any interested person, may adopt the proposals as permanent regulations substantially as described above without further notice or may decide to take no action on them.

DATED at Anchorage, Alaska, this 16th day of November, 1979.

GORDON J. ZERBETZ, Chairman

Regional Department of Transportation and Public Facilities offices in Anchorage, Fairbanks, Valdez.

Robert W. Ward
Commissioner
Department of Transportation and Public Facilities

Publish: 11/28, 12/5, and 12/12

LEGAL NOTICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ALASKA

Notice for Publication
F-14943-A
Alaska Native Claims Selection

This decision rejects the State selection of lands near Tanacross and approves the land for conveyance to Tanacross, Incorporated.

On May 25, 1961, the State of Alaska filed general purposes grant selection applications F-07785, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339,340; 48 U.S.C. Ch. 2, Sec. 6(b) (1976)). These applications, which selected lands near the Native village of Tanacross, were later combined, retaining F-027784 as the application covering 19 N., R. 11 E., Copper River Meridian.

On December 18, 1971, Sec. 11 of the Alaska Native Claims Settlement Act (85 Stat. 688, 696; 43 U.S.C. 1601, 1610 (1976)) (ANCSA), withdrew the lands surrounding the village of Tanacross, including the lands in the subject State selection, for possible Native selection. On September 5, 1974, Tanacross, Incorporated filed village selection application F-14943-A under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(a)), for lands located near the village, including lands within the subject State selection.

Section 12(a)(1) of the Alaska Native Claims Settlement Act provides that village selections shall be made from lands withdrawn by Sec. 11(a). Section 11(a)(2) withdrew for possible selection by the Native corporation those lands that have been selected by, or tentatively approved to, but not yet patented to, the State under the Alaska Statehood Act. Section 12(a)(1) further provides that no village may select more than 69,120 acres from lands withdrawn by Sec. 11(a)(2).

The following described lands, which are State selected, have been properly selected under the village selection application F-14943-A. Accordingly, the State selection application is rejected as to the following described lands:

State Selection F-027784

Lot 6, Block 5, U.S. Survey 3726, Alaska Township of Tanacross, situated on the right bank of the Tanana River approximately 1/2 mile north-east of Tok Junction, Alaska.

Containing 1.30 acres.

T. 19 N., R. 11 E., Copper River Meridian, Alaska (Surveyed). Those portions of Tract A more particularly described as (Protracted):

Sec. 1, excluding U.S. Survey 4378; Secs. 2 and 3, excluding Fish Lake; Sec. 4, excluding U.S. Survey 4087; U.S. Survey 4087B, Native allotments F-14422 Parcel B and F-12549 Parcel A and Fish Lake; Sec. 5, excluding U.S. Survey 4087B; Sec. 6, excluding Native allotments F-12549 Parcel A and F-15029 Parcel B;

Secs. 7 and 8, all; Sec. 9, excluding U.S. Survey 4087B; Secs. 10 to 14, inclusive, all; Secs. 15, 16 and 17, excluding the Little Tanana Slough;

Sec. 18, excluding Native allotment F-14422 Parcel A and the Little Tanana Slough;

Sec. 19, excluding Native allotment F-14445 Parcel B and the Little Tanana Slough;

Sec. 20, excluding the Little Tanana Slough;

Secs. 21 and 22, excluding the Tanana River and the Little Tanana Slough;

Sec. 23, excluding the Tanana River; Sec. 24, all;

Secs. 25 to 28, inclusive, excluding the Tanana River;

Sec. 29, excluding the Little Tanana Slough, the Tanana River and its interconnecting sloughs;

Sec. 30, excluding Native allotment F-14445 Parcel B, the Little Tanana Slough, the Tanana River and its interconnecting slough;

Sec. 31, excluding U.S. Survey 5620 and the Tanana River;

Sec. 32, excluding U.S. Survey 2631, U.S. Survey 2659, U.S. Survey 3726, U.S. Survey 4088, U.S. Survey 5620, Native allotments F-14439 Parcel C and F-14422 Parcel A and the Tanana River and its interconnecting slough;

Sec. 33, excluding U.S. Survey 2631 and U.S. Survey 4088; Secs. 34, 35 and 36, all.

Containing approximately 19, 671 acres. Aggregating approximately 19,672 acres.

Further action on the subject State

selection application as to those lands not rejected herein will be taken at a later date.

The total amount of lands which have been properly selected by the State, including any selection applications previously rejected to permit conveyance to Tanacross, Incorporated is approximately 19, 672 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of ANCSA. As to the lands described above, ten application submitted by Tanacross, Incorporated is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with the laws leading to the acquisition of title.

In view of the foregoing, the surface estate of the above described lands, selected pursuant to Sec. 12(a), aggregating 19,672 acres, is considered proper for acquisition by Tanacross, Incorporated, and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act. The conveyance is issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1615(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14943-A, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail - The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogged, skis, sleds, snowshoes, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

One Acre Site - The uses allowed for a site easement are: vehicle parking (e.g., aircraft, boats, ATVs, snowmobiles, cars, trucks), temporary camping, loading, or unloading shall be limited to 24 hours.

a. (EIN 14 C1, D1, D9) An easement for an existing access trail twenty-five (25) feet in width from the road on the left bank of the Tanana River in Sec. 32, T. 19 N., R. 11 E., Copper River Meridian, northwesterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use is limited to winter.

b. (EIN 18a D9) A one (1) acre site easement upland of the ordinary highwater mark in Sec. 4, T. 19 N., R. 11 E., Copper River Meridian, on the northwestern shore of Fish Lake. The uses allowed are those listed above for a one (1) acre site.

c. (EIN 21 C1, D1) An easement for an existing access trail twenty-five (25) feet in width from trail EIN 14 C1, D1, D9 in Sec. 13, T. 19 N., R. 10 E., Copper River Meridian, northerly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use is limited to winter.

d. (EIN 28 C5) A proposed easement varying from two hundred fifty (250) feet to one thousand two hundred fifty (1,250) feet in width and extending out one thousand (1,000) feet from the end of Runway 30 at Tanacross Airport in Sec. 32, T. 19 N., R. 11 E., Copper River Meridian. The allowed use of this airspace easement is for unobstructed air space and there will be no use allowed which might interfere with approaching or departing aircraft or might otherwise constitute a safety hazard because of its location or construction. No permanent fixture will be allowed in the safety area and obstructions will be allowed to extend into the airspace. Uses which do not interfere with aircraft safety will be permitted. The uses of this airspace easement will be controlled by applicable Federal, State, or Municipal corporation regulation.

The grant of the above described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7,

1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g)), contract, permit, or other agreement, and the right of the lessee, contractor, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing law;

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

4. An easement and right-of-way to operate, maintain, repair and patrol an overhead open wire and underground wire, telecommunication and appurtenances thereto, in, on, over and across a strip of land fifty (50) feet in width, lying twenty-five (25) feet on each side of the centerline of the Alaska Communications System, one-half mile line and/or buried communication cableline, conveyed to RCA Alaska Communications Disposal Act (81 Stat. 441; 40 U.S.C. 771, et seq.) located in: T. 19 N., R. 11 E., Copper River Meridian, and that portion within U.S. Survey 3726.

The lands conveyed will include the Eagle to Valdez Telegraph Line which is located in Secs. 6, 18, 19, 29, 30, and 32, T. 19 N., R. 11 E., Copper River Meridian. This historic structure is identified on Bureau of Land Management plats as serial No. F-21631 and has been nominated to the National Register of Historic Places.

Tanacross, Incorporated is entitled to conveyance of 92,160 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date, the same conveyance of the subsurface estate has been approved for conveyance; the remaining entitlement of 72,488 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be granted to Doyon, Limited when conveyance is granted to Tanacross, Incorporated for the surface estate, and shall be subject to the same conditions as the surface conveyance.

Only the following inland water bodies within the described lands are considered navigable:

The Tanana River and its interconnecting sloughs;
The Little Tanana Slough;
Fish Lake.

In accordance with Departmental regulation 43 CFR 2.265.0-7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in the TUNDRA TIMES. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any Unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until December 26, 1979 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the adverse parties to be served with a copy of the notice of appeal are:

Tanacross, Incorporated
Tanacross, Alaska 99776
Doyon, Limited
First and Hall Streets
Fairbanks, Alaska 99701

State of Alaska
Department of Natural Resources
Division of Research and Development
323 E. Fourth Avenue
Anchorage, Alaska 99501

Sue A. Wolf
Chief, Branch of Adjudication

Publish: 11/28, 12/5, 12/12, 12/19