

**NORTH SLOPE BOROUGH
ORDINANCE SERIAL NO. 81-01-16**

**AN ORDINANCE AMENDING NORTH SLOPE
BOROUGH MUNICIPAL CODE SECTIONS
15.06.080 AND 15.06.090 REGULATING UTILITY
RATES IN SERVICE AREA 10**

WHEREAS, North Slope Borough (Borough) Charter Section 4.060(g) requires that the North Slope Borough Assembly (Assembly) shall use ordinance to regulate the rate charged by a public utility; and

WHEREAS, the Borough provides solid waste, sewage, and water utility services in Service Area 10 (SA 10); and

WHEREAS, North Slope Borough Municipal Code (NSBMC) § 15.06.040, sets out that rates shall be set by the Regulatory Commission of Alaska (RCA) when required; and

WHEREAS, in 2017, the Borough conducted a solid waste cost of service and rate design study, and this study was subsequently presented to the RCA (U-18-095) to support rate adjustments; and

WHEREAS, based on the RCA's acceptance of a stipulation resolving all disputed issues in U-18-095 as shown in the revised Tariff Sheet Nos. 32, 34 and 36, (see Exhibit A, *Letter From Regulatory Commission of Alaska, Dated July 25, 2019 and Tariff Sheet Nos. 32, 34 and 36*), the RCA has approved adjusted regulated solid waste collection rates in SA 10 effective as of July 24, 2019; and

WHEREAS, amendments to NSBMC Sections 15.06.080(A)(1-6) and 15.06.090(A) are required to adjust the rates set by the RCA; and

WHEREAS, Alaska Statutes (AS) 42.05.141(a)(1) provides that the RCA regulates the rates of public utilities; and

WHEREAS, AS 42.05.711 exempts some public utilities from the requirements of AS 42.05.141(a)(1); and

WHEREAS, AS 42.05.990(6)(F) defines a public utility as including every corporation whether public, cooperative, or otherwise, company, individual, or association of individuals, their lessees, trustees, or receivers appointed by a court, that owns, operates, manages, or controls any plant, pipeline, or system for furnishing collection and disposal service of garbage, refuse, trash, or other waste material to the public for compensation; and

WHEREAS, the SA 10, Oxbow Landfill offers only refuse disposal service to the public for compensation and does not meet the definition of a “public utility.” As such the RCA does not regulate the tipping fees levied by SA 10, Oxbow Landfill; and

WHEREAS, on August 2, 2018, the Borough received Alaska Department of Environmental Conservation (ADEC) permit SW1A008-22a which authorized Regulated Asbestos-Containing Material (RACM) disposal at Service Area 10, Oxbow Landfill; and

WHEREAS, it is in the best interest of the Borough to establish an asbestos disposal rate for RACM waste at SA 10, Oxbow Landfill; and

WHEREAS, NSB Charter Section 14.040 sets out that the Assembly may levy taxes, assessments, or other charges within a service area to finance the services, and funds thereby raised shall not be used for any purpose outside of the service area; and

WHEREAS, periodic adjustments to Public Utility Rates are necessary to appropriately charge customers for services; and

WHEREAS, an amendment to NSBMC Sections 15.06.080(A)(7) adding subsection (9), (B)(6) and (C)(4)(a) and (5) and adding subsection (B) to 15.06.090, are required to regulate the rates.

NOW, THEREFORE, BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 4. Amendment of Sections. NSBMC Sections 15.06.080 and 15.06.090 are hereby amended as annexed hereto with deleted language indicated by brackets and strike through, [~~brackets~~], and new language indicated by **underlining** and **bolding**.

INTRODUCED: August 6, 2019
ADOPTED: August 21, 2019

for Mayor
John Hopson, Jr., President
Date: 8.23-2019

ATTEST:

Sheila H. Burke
Sheila H. Burke, Borough Clerk
Date: 8.23-19

Harry Brower Jr
Harry K. Brower, Jr., Mayor
Date: 8/22/19

§ 15.06.080 – RATES

The rates adopted in accordance with this chapter, [~~effective September 1, 2016,~~] shall be as follows, and shall continue in effect until such time as new rates, terms, and conditions of service are set by the Assembly or by the Regulatory Commission of Alaska if required by law:

(A) Solid waste utility (charge per pickup):

- (1) Unscheduled large bin (27 cubic yards), [~~\$1,654~~] **\$2,127.16** for the first 27 cubic yards plus [~~\$70~~] **\$90.03** per additional cubic yard;
- (2) Scheduled large bin, [~~\$1,548~~] **\$1,980.72** for the first 27 cubic yards plus [~~\$60~~] **\$76.77** per additional cubic yard;
- (3) Unscheduled small bin (6 cubic yards), [~~\$419~~] **\$502.22** for the first 6 cubic yards, plus [~~\$40~~] **\$47.94** per additional cubic yard;
- (4) Scheduled small bin, [~~\$234~~] **\$232.16** for the first 6 cubic yards, plus [~~\$15~~] **\$14.88** per additional cubic yard;
- (5) Oily waste large bin (Storage and [~~incineration~~] **Disposal**), [~~\$2,300~~] **\$3,166.14** for the first 27 cubic yards, plus [~~\$170~~] **\$234.02** per additional cubic yard;
- (6) Truck time beyond 12-mile radius of plant, [~~\$230~~] **\$199.33** per hour;
- (7) Landfill Tipping Fee per cubic yard, [~~\$24~~] **\$54.81** (except oily waste is [~~\$60~~] **\$61.40** per cubic yard);
- (8) No metals, hazardous materials, mud sacks or other damaging, nonburnable materials are allowed in any dumpsters. A penalty of 33% of the appropriate bin charge shall be assessed if these materials appear in any dumpster[-]; **and**
- (9) **RACM (asbestos contaminated waste) rate will be the current per cubic yard tipping fee plus an additional handling fee of \$14.11 per cubic yard.**

(B) Sewage treatment facility:

- (1) \$0.331 per gallon, sewage picked up;
- (2) \$0.241 per gallon, sewage delivered;
- (3) \$0.50 per gallon, sludge picked up;
- (4) \$0.41 per gallon, sludge delivered;
- (5) A minimum 500-gallon charge shall be assessed for each pickup; and

(6) Truck time beyond 12-mile radius of plant, [~~\$ 135~~] **\$199.33** per hour.

(C) Water Treatment facility:

- (1) \$0.086 per gallon, filtered and chlorinated water picked up;
- (2) \$0.092 per gallon, filtered and chlorinated water delivered;
- (3) \$0.073 per gallon, untreated water;
- (4) \$0.099 per gallon, heated water; and

(a) a surcharge will be applied for requested chemical treatment of hot water, at a rate of 40% above direct cost.

(5) Truck time beyond 12-mile radius of plant, [~~\$ 135~~] **\$199.33** per hour.

§ 15.06.090 – RATES FOR TRASH BIN RENTAL.

(A) The rental rate for all trash bins provided by the Borough in Service Area 10 shall be [~~\$11.50~~] **\$12.04**/day/bin.

(B) **The rental rate for all trash bin bear proof lids provided by the Borough in Service Area 10 shall be \$8.00/day/lid.**



EXHIBIT A
STATE OF ALASKA
DEPARTMENT OF
COMMERCE
COMMUNITY AND
ECONOMIC DEVELOPMENT

Mike Dunleavy, Governor
Julie Anderson, Commissioner
Robert M. Pickett, Chairman

Regulatory Commission of Alaska

RECEIVED

July 25, 2019

JUL 26 2019

Kempel, Huffman & Ellis

In reply refer to: Tariff Section
File: U-18-095

Fadil Limani
North Slope Borough
P.O. Box 69
Barrow, AK 99723

Dear Mr. Limani:

Pursuant to Order No. U-18-095(13), enclosed are validated copies of Tariff Sheet Nos. 32, 34, and 36, filed June 28, 2019, as Exhibit 4, by North Slope Borough in Docket U-18-095. The effective date of the tariff sheets is July 24, 2019.

Please note that "Pursuant to U-18-095(13)" has been added to the bottom left corner of each tariff sheet. In addition, the effective date has been added to the bottom right corner of each tariff sheet.

Sincerely,

REGULATORY COMMISSION OF ALASKA

Handwritten signature of Julie C. Vogler in black ink.
Julie C. Vogler
Finance Section Manager

Enclosures

cc: Jonathon Green
Counsel for North Slope Borough
Kempel, Huffman, & Ellis, P.C.
255 E. Fireweed Lane, Suite 200
Anchorage, AK 99503

RCA No. 231 Third Revised Sheet No. 32
Canceling
Second Revised Sheet No. 32

RECEIVED
JUN 28 2019
STATE OF ALASKA
REGULATORY COMMISSION OF ALASKA

North Slope Borough

620 - Rates for Service

625 - Large bins (rated capacity between 9 and 27 cubic yards)

Service	Charge per bin pickup	Additional charge for overfilled bin, per cubic yard (or portion) of overfill
Scheduled	\$1,980.72	\$76.77
Unscheduled	\$2,127.16	\$90.03
Oily Waste	\$3,166.14	\$234.02

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Pursuant to U-18-095(13) Effective: **July 24, 2019**

Issued by: North Slope Borough

By: /s/ Scott Danner

Title: Director of Public Works

RCA No. 231 Third Revised Sheet No. 34
Canceling
Second Revised Sheet No. 34

RECEIVED
JUN 28 2019
STATE OF ALASKA
REGULATORY COMMISSION OF ALASKA

North Slope Borough

626 – Small bins (rated capacity less than 9 cubic yards)

Service	Charge per bin pickup	Additional charge for overfilled bin, per cubic yard (or portion) of overfill
Scheduled	\$232.16	\$14.88
Unscheduled	\$502.22	\$47.94

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Service Area: Service Area 10

Hours of Service: Bin pickups and deliveries will be available and occur between 6:00 a.m. and 6:00 p.m., seven days a week.

Discount for prompt payment: None

Promotional practices to induce installation or use: None

Automatic rate revision contingent on change in cost element: None

Pursuant to U-18-095(13)

Effective: **July 24, 2019**

Issued by: North Slope Borough

By: /s/ Scott Danner

Title: Director of Public Works

RCA No. 231 Third Revised Sheet No. 36
Canceling
Second Revised Sheet No. 36

RECEIVED
JUN 28 2019
STATE OF ALASKA
REGULATORY COMMISSION OF ALASKA

North Slope Borough

627 - Truck time (in addition to charges under Rules 625 and 626)

Service	Charge per hour
Within 12 mile radius of plant	\$0.00
Beyond 12 mile radius of plant	\$199.33

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Service Area: Service Area 10

Hours of Service: Bin pickups and deliveries will be available and occur between 6:00 a.m. and 6:00 p.m., seven days a week.

Discount for prompt payment: None

Promotional practices to induce installation or use: None

Automatic rate revision contingent on change in cost element: None

Pursuant to U-18-095(13) Effective: July 24, 2019

Issued by: North Slope Borough

By: /s/ Scott Danner

Title: Director of Public Works