

CHAPTER 21

REGULATION OF PUBLIC UTILITIES AND CONFIDENTIALITY OF CYBER SECURITY AND CRITICAL INFRASTRUCTURE INFORMATION

H.F. 445

AN ACT relating to public utilities and other infrastructure, including the confidentiality of certain information relating to cyber security or critical infrastructure, the authority of utilities to make temporary rate changes, and presiding officers at public information meetings held for electric transmission line franchise petitions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 22.7, subsection 45, Code 2017, is amended to read as follows:

45. The critical asset protection plan or any part of the plan prepared pursuant to [section 29C.8](#) and any information held by the department of homeland security and emergency management that was supplied to the department by a public or private agency or organization and used in the development of the critical asset protection plan to include, but not be limited to, surveys, lists, maps, or photographs. ~~However, the director shall make the list of assets available for examination by any person. A person wishing to examine the list of assets shall make a written request to the director on a form approved by the director. The list of assets may be viewed at the department's offices during normal working hours. The list of assets shall not be copied in any manner.~~ Communications and asset information not required by law, rule, or procedure that are provided to the director by persons outside of government and for which the director has signed a nondisclosure agreement are exempt from public disclosures. The department of homeland security and emergency management may provide all or part of the critical asset plan to federal, state, or local governmental agencies which have emergency planning or response functions if the director is satisfied that the need to know and intended use are reasonable. An agency receiving critical asset protection plan information from the department shall not redisseminate the information without prior approval of the director.

Sec. 2. Section 22.7, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 70. Information and records related to cyber security information or critical infrastructure, the disclosure of which may expose or create vulnerability to critical infrastructure systems, held by the utilities board of the department of commerce or the department of homeland security and emergency management for purposes relating to the safeguarding of telecommunications, electric, water, sanitary sewage, storm water drainage, energy, hazardous liquid, natural gas, or other critical infrastructure systems. For purposes of [this subsection](#), "cyber security information" includes but is not limited to information relating to cyber security defenses, threats, attacks, or general attempts to attack cyber system operations.

Sec. 3. Section 476.6, subsection 9, paragraph a, Code 2017, is amended by striking the paragraph.

Sec. 4. Section 476.6, subsection 9, paragraph b, Code 2017, is amended to read as follows:

b. A public utility may choose to place in effect temporary rates, charges, schedules, or regulations without board review on or after ten days after following the filing date under [this section](#). If the utility chooses to place such rates, charges, schedules, or regulations in effect ~~without board review~~, the utility shall file with the board a bond or other corporate undertaking approved by the board conditioned upon the refund in a manner prescribed by the board of amounts collected in excess of the amounts which would have been collected under rates, charges, schedules, or regulations finally approved by the board. At the conclusion of the proceeding if the board determines that the temporary rates, charges, schedules, or regulations placed in effect under this paragraph were not based on previously established regulatory principles, the board shall consider ordering refunds based upon the

overpayments made by each individual customer class, rate zone, or customer group. If the board has not rendered a final decision with respect to suspended rates, charges, schedules, or regulations upon the expiration of ten months after the filing date, plus the length of any delay that necessarily results either from the failure of the public utility to exercise due diligence in connection with the proceedings or from intervening judicial proceedings, plus the length of any extension permitted by [section 476.33, subsection 3](#), then such temporary rates, charges, schedules, or regulations placed into effect on a temporary basis shall be deemed finally approved by the board and the utility may place them into effect on a permanent basis.

Sec. 5. Section 478.2, subsection 2, paragraph a, Code 2017, is amended to read as follows:

a. A member of the board, the counsel of the board, or a ~~hearing examiner~~ presiding officer designated by the board shall serve as the presiding officer at each meeting, shall present an agenda for such meeting which shall include a summary of the legal rights of the affected landowners, and shall distribute and review the statement of individual rights required under [section 6B.2A, subsection 1](#). A formal record of the meeting shall not be required.

Approved March 30, 2017