

CHAPTER 75

UTILITIES REGULATION — MISCELLANEOUS CHANGES

H.F. 693

AN ACT relating to matters under the purview of the utilities division of the department of commerce.

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

DIVISION I ADMINISTRATION

Section 1. [Section 476.2](#), Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 4A. The board shall have the authority to employ or appoint an independent administrative law judge to preside over any hearing or proceeding before the board. [Sections 10A.801](#) and [17A.11](#) do not apply to the employment or appointment of an administrative law judge pursuant to [this subsection](#).

Sec. 2. [Section 476.10, subsection 1](#), paragraph b, Code 2021, is amended to read as follows:

b. The board shall ascertain the total of the division's expenses incurred during each fiscal year in the performance of its duties under law. The board shall add to the total of the division's expenses the certified expenses of the consumer advocate as provided under [section 475A.6](#). The board shall deduct all amounts charged directly to any person from the total expenses of the board and the consumer advocate. The board may assess the amount remaining after the deduction to all persons providing service over which the board has jurisdiction in proportion to the respective gross operating revenues of such persons from intrastate operations during the last calendar year over which the board has jurisdiction. For purposes of determining gross operating revenues under [this section](#), the board shall not include gross receipts received by a cooperative corporation or association for wholesale transactions with members of the cooperative corporation or association, provided that the members are subject to assessment by the board based upon the members' gross operating revenues, or provided that such a member is an association whose members are subject to assessment by the board based upon the members' gross operating revenues. If any portion of the remainder can be identified with a specific type of utility service, the board shall assess those expenses only to the entities providing that type of service over which the board has jurisdiction. The board may make the remainder assessments under this paragraph ~~on a quarterly basis~~ to some or all persons providing service over which the board has jurisdiction, based upon estimates of the expenditures for the fiscal year for the utilities division and the consumer advocate. Not more than ninety days following the close of the fiscal year, the utilities division shall conform the amount of the prior fiscal year's assessments to the requirements of this paragraph. For gas and electric public utilities exempted from rate regulation pursuant to [this chapter](#), and for providers of telecommunications service required to register with the board pursuant to [section 476.95A](#) that are exempted from rate regulation pursuant to [this chapter](#), the remainder assessments under this paragraph shall be computed at one-half the rate used in computing the assessment for other persons.

DIVISION II PIPELINE

Sec. 3. [Section 479.31, subsection 1](#), Code 2021, is amended to read as follows:

1. A person who violates [this chapter](#) or any rule or order issued pursuant to [this chapter](#) shall be subject to a civil penalty levied by the board ~~not to exceed one hundred thousand dollars for each violation in accordance with [49 C.F.R. §190.223](#)~~. Each day that the violation continues shall constitute a separate offense. ~~However, the maximum civil penalty shall not exceed one million dollars for any related series of violations.~~ Civil penalties collected pursuant to [this section](#) shall be forwarded by the chief operating officer of the board to the treasurer of state to be credited to the general fund of the state and appropriated to the

division of community action agencies of the department of human rights for purposes of the low income home energy assistance program and the weatherization assistance program.

Sec. 4. [Section 479A.7](#), Code 2021, is amended to read as follows:

479A.7 Annual inspection fee.

~~A The board may, in accordance with [section 476.10](#), charge a pipeline company shall pay with an annual inspection fee of fifty cents per mile of pipeline or fraction thereof for each inch of diameter of the pipeline located in this state that is directly attributable to the costs of conducting annual inspections pursuant to [this chapter](#). The annual inspection fee shall be paid for the calendar year in advance between January 1 and February 1 of each year.~~

DIVISION III
TELECOMMUNICATIONS SERVICES

Sec. 5. [Section 34A.2, subsections 8 and 14](#), Code 2021, are amended to read as follows:

8. ~~“Competitive local exchange service provider” means the same as defined in [section 476.96](#) any person, including a municipal utility, that provides local exchange services, other than a local exchange carrier or a non-rate-regulated wireline provider of local exchange services under an authorized certificate of public convenience and necessity within a specific geographic area described in maps filed with and approved by the board as of September 30, 1992.~~

14. ~~“Local exchange carrier” means the same as defined in [section 476.96](#) any person that was the incumbent and historical rate-regulated wireline provider of local exchange services or any successor to such person that provides local exchange services under an authorized certificate of public convenience and necessity within a specific geographic area described in maps filed with and approved by the board as of September 30, 1992.~~

Sec. 6. [Section 423.3, subsection 47A](#), Code 2021, is amended to read as follows:

47A. *a.* The sales price from the sale or rental of central office equipment or transmission equipment primarily used by local exchange carriers and competitive local exchange service providers as defined in ~~[section 476.96](#)~~, Code 2017; by franchised cable television operators, mutual companies, municipal utilities, cooperatives, and companies furnishing communications services that are not subject to rate regulation as provided in [chapter 476](#); by long distance companies as defined in [section 477.10](#); or for a commercial mobile radio service as defined in [47 C.F.R. §20.3](#) in the furnishing of telecommunications services on a commercial basis.

b. For the purposes of [this subsection](#), ~~“central~~:

(1) ~~“Central office equipment” means equipment utilized in the initiating, processing, amplifying, switching, or monitoring of telecommunications services. “Central office equipment” also includes ancillary equipment and apparatus which support, regulate, control, repair, test, or enable such equipment to accomplish its function.~~

(2) ~~“Competitive local exchange service provider” means any person, including a municipal utility, that provides local exchange services, other than a local exchange carrier or a non-rate-regulated wireline provider of local exchange services under an authorized certificate of public convenience and necessity within a specific geographic area described in maps filed with and approved by the board as of September 30, 1992.~~

(3) ~~“Local exchange carrier” means any person that was the incumbent and historical rate-regulated wireline provider of local exchange services or any successor to such person that provides local exchange services under an authorized certificate of public convenience and necessity within a specific geographic area described in maps filed with and approved by the board as of September 30, 1992.~~

(4) ~~“Transmission equipment” means equipment utilized in the process of sending information from one location to another location. “Central office equipment” and “transmission~~ *“Transmission equipment”* also includes ancillary equipment and apparatus which support, regulate, control, repair, test, or enable such equipment to accomplish its function.

Sec. 7. [Section 477C.7, subsection 2](#), Code 2021, is amended to read as follows:

2. The entities subject to assessment shall remit the assessed amounts quarterly, as determined by the board, to a special fund, as defined under [section 8.2, subsection 9](#). The moneys in the fund are appropriated solely to plan, establish, administer, and promote the relay service and equipment distribution programs.

Approved April 30, 2021