

# A BILL

FOR AN ACT TO ESTABLISH A PUBLIC SERVICE COMMISSION AND PRESCRIBING ITS POWERS AND DUTIES, AND PROVIDING FOR THE REGULATION AND CONTROL OF PUBLIC UTILITIES, AND MAKING AN APPROPRIATION THEREFOR: ALSO TRANSFERRING THE POWERS AND DUTIES OF THE EXECUTIVE COUNCIL AS PRESCRIBED BY CHAPTER SEVENTY-ONE (71) OF THE ACTS OF THE THIRTY-SECOND GENERAL ASSEMBLY OF IOWA, IN SO FAR AS THEY RELATE TO PUBLIC SERVICE CORPORATIONS, AND THE POWERS AND DUTIES OF THE BOARD OF RAILROAD COMMISSIONERS, AS PRESCRIBED BY LAW TO SAID COMMISSION.

*Be it Enacted by the General Assembly of the State of Iowa:*

SECTION 1. There is hereby established a commission which shall be known as "The Public Service Commission," the members of which shall be chosen as hereinafter provided, and shall hold office until their successors are appointed, confirmed and qualified, and whose powers and duties shall be as hereinafter prescribed.

SEC. 2. The said commission shall be composed of five (5) members, three (3) of whom shall be the present Railroad Commissioners of Iowa until the expiration of their terms of office, as hereinafter provided. The terms of office of two (2) of said commissioners shall begin July 1, 1909, and continue for six (6) years. The terms of office of the two (2) Railroad Commissioners which will expire December 31st, 1910, are hereby extended to July 1, 1911, and the terms of office of their successors shall begin July 1, 1911, and continue for six (6) years, and the term of office of the Railroad Commissioner which will expire December 31, 1912, is hereby extended to July 1, 1913, and the term of office of his successor shall begin July 1, 1913, and continue for six (6) years. The said commissioners shall meet at the Capitol of the State and organize by electing a chairman, and shall enter upon the performance of their duties on July 1, 1909, and thereafter the Board of Railroad Commissioners shall cease to exist.

SEC. 3. After the approval of this Act, and before the adjournment of the Thirty-third General Assembly of Iowa, the Governor shall appoint two (2) competent persons, not members

3 of the same political party, as members of the said commission, whose terms shall begin  
4 July 1, 1909, and expire July 1, 1915, and communicate such appointments to the Senate. No  
5 nominations shall be considered by the Senate until the same shall have been referred to a  
6 committee of five (5), to be appointed by the president of the Senate, without the formality  
7 of a motion, not more than three (3) of whom shall belong to the same political party, which  
8 committee shall make its report to the Senate in executive session, at any time when called for  
9 by the Senate. The consideration of nominations by the Senate shall not be had on the same  
10 legislative day the nominations are referred. The appointees shall be voted on separately,  
11 and it shall require the concurrence of two-thirds ( $\frac{2}{3}$ ) of all the members elected to the  
12 Senate to confirm any appointment. On the question of confirmation the ayes and noes shall  
13 be called and entered in the Journal. The Governor shall at the regular session of the Thirty-  
14 fourth General Assembly of Iowa appoint two (2) competent persons as the successors of the  
15 commissioners whose terms expire July 1, 1911; the Governor shall at the regular session  
16 of the Thirty-fifth General Assembly of Iowa appoint one (1) competent person as the success-  
17 or of the commissioner whose term expires July 1, 1913. And at each regular session of the  
18 General Assembly thereafter next preceding the expiration of the terms of office of the commis-  
19 sioners, nominate their successors as herein provided for the term of six (6) years, and their  
20 nominations shall be confirmed in like manner. But if any vacancy occur in the commission,  
21 the same shall be filled by the Governor until July 1, following the next regular session of the  
22 General Assembly, at which session the vacancy shall be filled for the unexpired term.

23 (a) The Governor may at any time, remove any commissioner for inefficiency, neglect of  
24 duty or malfeasance in office. Before such removal he shall give such commissioner a copy  
25 of the charges against him and shall fix a time when he can be heard in his own defense,  
26 which shall not be less than ten (10) days thereafter, and said hearing shall be open to the  
27 public. If he shall be removed the Governor shall file in the office of the Secretary of State a  
28 complete statement of all charges made against such commissioner and his findings thereon  
29 with the record of the proceedings.

30 (b) No commissioner, nor the secretary, shall hold any other office or position of profit or  
31 pursue any other business or vocation, or serve on or under any committee of any political  
32 party, but shall devote his entire time to the duties of his office.

SEC. 4. The salary of the commissioners from and after July 1, 1909, shall be three thous-  
2 and five hundred (\$3,500) dollars per annum, paid in monthly installments, out of any  
3 funds in the state treasury not otherwise appropriated.

SEC. 5. The jurisdiction, supervision, powers and duties of The Public Service Commission  
2 shall extend under this Act to all railroads and interurban railroads, express companies, car  
3 companies, sleeping car companies, freight and freight line companies, and any common car-  
4 rier engaged in the transportation of passengers or freight by railroad (except street rail-

5 roads) and to the persons or corporations owning, leasing, operating or controlling the same;  
6 the said commission possessing and exercising all the jurisdiction, supervision, powers and  
7 duties in relation thereto that have been conferred by law on the Board of Railroad Commis-  
8 sioners of Iowa, and all other powers now conferred upon said Board of Railroad Commis-  
9 sioners.

Sec. 6. The jurisdiction, supervision, powers and duties of The Public Service Commission  
2 shall also extend under this Act as hereinafter provided.

3 1. To all street railroads any portion of whose lines lies within the State, and to the per-  
4 sons or corporations owning, operating, controlling or leasing said railroads, so far as con-  
5 cerns the construction, maintenance, equipment, terminal facilities, and local transportation  
6 facilities of said street railroads within the State, and to the rates of transportation of persons  
7 and property thereon, within the State.

8 2. To such portions of the lines of any other common carrier as lies within the State, and  
9 to the person or corporation owning, leasing, operating or controlling the same so far as con-  
10 cerns construction, maintenance, equipment, terminal facilities, local transportation facilities,  
11 and rates of transportation of persons or property within the State.

12 3. To the manufacture, accumulation, sale and distribution of gas and electricity, or any  
13 other medium for lighting, heat or power in said State, and to the persons or corporations,  
14 private or municipal, owning, leasing, operating or controlling the same.

15 4. To telegraphs and telephones, and their lines, offices, exchanges and equipment, within  
16 the State, and to the persons or corporations, private or municipal, owning, leasing, oper-  
17 ating or controlling the same.

18 5. To waterworks plants, and to the distribution and sale of water, and the sources of  
19 supply thereof, and to the persons or corporations, private or municipal, owning, leasing,  
20 operating or controlling the same; and to all other public utilities as hereinafter defined, and  
21 to the persons or corporations, private or municipal, owning, leasing, operating or controlling  
22 the same.

Sec. 7. The principal office of the commission shall be at the capital of the State, and the  
2 Executive Council shall provide offices for the commission and its employes and agents either  
3 in the Capitol building or some other suitable place. The commission shall hold stated meet-  
4 ings at least once each month during the year at its principal office, which office shall be open  
5 for the transaction of business each working day. It shall have an official seal, and shall be  
6 supplied with all necessary books, maps, charts, stationery, office furniture, telephones, and  
7 other necessary appliances, to be secured and paid for in the same manner that similar sup-  
8 plies to other officers and commissioners are provided.

Sec. 8. The commission shall have power to appoint as counsel thereto an attorney and  
2 counsellor of the State of Iowa, who shall hold office during the pleasure of the commission.

3 The commission shall appoint a secretary to hold office during its pleasure, and whose duties  
4 shall be prescribed by the commission, and the commission shall also have power to employ  
5 during its pleasure such officers, clerks, inspectors, experts and employes, as may be necessary  
6 to carry out the provisions of this Act, or to perform the duties and exercise the powers con-  
7 ferred by law upon the commission; provided, however, that the number of employes and com-  
8 pensation of each, including counsel and secretary shall be fixed by the commission upon  
9 approval by the Executive Council. Each commissioner, and each person appointed to office  
10 by the commission, shall, before entering upon the discharge of his duties, take and subscribe  
11 the constitutional oath of office. No person shall be eligible for appointment to the commis-  
12 sion or shall hold the office of commissioner, or be appointed by the commission to hold any  
13 office or position under the commission, who holds any official relation to any common carrier,  
14 or other public utility or owns stocks or bonds therein, over which the commission has any  
15 jurisdiction. Neither any commissioner, nor any agent nor employe of the commission, shall  
16 solicit, suggest, request or recommend, directly or indirectly, to any person or corporation  
17 owning, leasing, operating or controlling any public utility under the jurisdiction of the com-  
18 mission, the appointment of any person to any office, place, position, or employment, with any  
19 such utility.

SEC. 9. Any member, officer or employe of the commission who solicits, or otherwise exer-  
2 cises his influence, directly or indirectly, to induce other members, officers or employes of the  
3 State or commission to adopt his political views, or to favor any particular person or candi-  
4 date for office, or who shall in any manner contribute money or other thing of value to any  
5 person for election purposes shall be removed from his office or position by the proper authori-  
6 ties.

SEC. 10. Any person who demands or solicits from any member, officer or employe of the  
2 commission, an appropriation or money or other thing of value for election purposes, or for  
3 the payment of expenses of any political committee or organization, shall be deemed to be  
4 guilty of a misdemeanor, and shall be punished accordingly.

SEC. 11. A majority of the commissioners shall constitute a quorum for the transaction of  
2 any business, for the performance of any duty, or for the exercise of any power of the commis-  
3 sion, and may hold meetings of the commission at any time or place within the State. Any  
4 investigation, inquiry or hearing which the commission has power to undertake or hold may  
5 be undertaken or held before any commissioner. All investigations, inquiries, hearings and  
6 decisions of the commissioner shall be and be deemed to be the investigations, inquiries, hear-  
7 ings and decisions of the commission and every order made by a commissioner, when approved  
8 and confirmed by the commission, and ordered filed in its office, shall be and be deemed to be  
9 the order of the commission.

SEC. 12. All proceedings of the commission, and all documents and records in its possession,

2 shall be public records, and the commission shall make an annual report to the Governor to  
3 correspond with the date of the report required of the present Railroad Commission, which  
4 shall contain copies of all orders issued by it, and any information in the possession of the com-  
5 mission which it shall deem of value to the people of the State. And either the Governor or  
6 the General Assembly may call upon the commission for any information which may be  
7 desired in relation to the conduct of its business. The commission shall also make a financial  
8 report to the Executive Council as provided in Section 163-2 of the Supplement to the Code,  
9 1907, which shall be published by the Executive Council as provided in Section 163-b of said  
10 Supplement to the Code.

SEC. 13. The commission shall have the same power to subpoena and compel the attend-  
2 ance of witnesses, and the production of books, papers, records and documents, as courts of  
3 record, and witnesses shall be paid the same fees as for attendance therat, and shall be subject  
4 to the same penalty for failure to obey subpoenas. All hearings before the commission or com-  
5 missioners shall be governed by rules to be adopted and promulgated by the commission. No  
6 person shall be excused from testifying or producing any books or papers in any investigation  
7 or inquiry by or upon any hearing before the commission or any commissioner, when ordered  
8 to do so by the commission, upon the ground that the testimony, evidence, books or documents  
9 produced by him may tend to incriminate him or subject him to a penalty or forfeiture, or  
10 expose him to public ignomy; and no person shall be prosecuted, punished, or be subject to  
11 any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning  
12 which he shall have, under oath, testified or produced documentary evidence, provided, how-  
13 ever, that no person testifying shall be exempt from prosecution or punishment for any perjury  
14 committed by him in his testimony. Nothing herein contained is intended to give, or shall be  
15 construed as in any manner giving unto any corporation any immunity of any kind.

SEC. 14. The commission shall have power to investigate and ascertain from time to time  
2 the quality of gas, electricity, or water, or other medium for furnishing light, heat or power;  
3 or street car service or water service, or service of any other public utility as herein defined  
4 supplied by persons, corporations or municipalities, examine the methods employed by such  
5 persons, corporations or municipalities, in manufacturing, accumulating, and supplying gas,  
6 electricity, water, or other medium for furnishing light, heat or power, and in transmitting the  
7 same, and in furnishing street car service, or water service, or service of any other public  
8 utility as herein defined. And shall have power to order such improvements in quality or serv-  
9 ice and such extensions as will best promote the public interest, preserve the public health, and  
10 protect those using such gas, electricity, water, or other medium for furnishing heat, light, or  
11 power, or street car service, or service of other public utilities as herein defined; and those  
12 employed in the manufacture, accumulation and distribution thereof, or in the maintenance  
13 and operation of the works and systems maintained in connection therewith.

SEC. 15. It shall be the duty of the person or persons owning, managing or controlling any public utility coming within the provisions of this Act to file with the commission within ninety (90) days after the taking effect of this Act schedules showing the tariffs, rates, tolls, and charges within the State, for all commodities or services furnished the public; and shall also file with the commission a copy of its Articles of Incorporation, and a copy of each franchise held or claimed to be held and exercised by it.

SEC. 16. The commission shall have power in its discretion to prescribe uniform methods of keeping accounts, records and books for each public utility under its jurisdiction to be observed by the persons, corporations and municipalities engaged in carrying on the same, and no public utility shall keep any other set of books than those prescribed by the commission.

SEC. 17. The commission shall require every person, corporation or municipality under its supervision to submit to it an annual report verified by the oath of the president, treasurer, or general manager or proper officer thereof, setting forth, in detail,

1. The amount of its authorized capital stock, and the amount thereof issued and outstanding.

2. The amount of its bonded indebtedness, and the amount of its bonds and other forms of indebtedness issued and outstanding.

3. Its receipts and expenditures during the preceding year.

4. The amount paid as dividends upon its stock and interest upon its bonds.

5. The amount paid as salaries to its officers, and the amount paid as wages to its employes.

The location of its plant or plants and systems, with a full description of its property and all other facts or information pertaining to the operation and maintenance of the plant and system, and the affairs of such person or corporation engaged in such business that may be required by the commission; such report shall be in the form to cover the period and be submitted at the time prescribed by the commission.

7. The commission may from time to time make changes and additions in such forms, giving to persons, corporations or municipalities, six (6) months notice before the time fixed by the commission as the expiration of the fiscal year, of any changes or additions which would require any alteration or change of the method of keeping accounts for the ensuing year. When any such report is defective or believed to be erroneous, the commission shall notify the persons, corporations, or municipalities making such report, to amend the same within thirty (30) days. The commission may extend the time herein limited for cause shown.

SEC. 18. The commission shall appoint inspectors for gas, electricity, and water meters, and meters for measuring any other medium for furnishing light, heat or power, or other commodity furnished to the public by the public utilities under its jurisdiction, whose duty it shall be, when required, to inspect, examine, prove and ascertain the accuracy of any and all such meters

5 used or intended to be used, and when found to be, or made to be correct, the inspector shall stamp  
6 or mark and seal all such meters, and each of them with some suitable stamp or device and  
7 seal, which device and seal shall be recorded in the office of the commission. The commission  
8 shall have power to provide for the inspection, testing and proving of all meters, and for  
9 stamping and sealing meters which have been inspected and approved, and to establish the  
10 fees therefor. Every person or corporation furnishing gas, electricity or water shall provide  
11 and keep in and upon its premises suitable apparatus to be approved and stamped or marked  
12 by the inspector of the commission for testing and proving the accuracy of gas, electricity and  
13 water meters furnished for use by it, and by which apparatus every meter may and shall be tested  
14 on the written request of the consumer to whom the meter shall be furnished, in his presence, or  
15 in the presence of his agent, if he so desires. If any consumer to whom a meter has been  
16 furnished shall request the commission, in writing, to inspect such meter, the commission shall  
17 have the same inspected and tested, and if the same on being so tested shall be found to be  
18 defective or incorrect, within such limits as shall be fixed by the commission by rule adopted  
19 and promulgated, to the prejudice of the consumer, the inspector shall order the gas, electric  
20 or water corporation forthwith to remove the same, and to place instead thereof a correct  
21 meter, and the expense of such inspection and test shall be borne by the corporation; if the  
22 same on being so tested shall be found to be slow or correct within the limits prescribed by  
23 the commission, the expense of such inspection and test shall be borne by the consumer. A  
24 uniform reasonable charge shall be fixed by the commission for this service.

SEC. 19. Any person, or private or municipal corporation, under the jurisdiction of the com-  
2 mission, may issue stocks, bonds, notes, warrants, or other evidence of indebtedness payable  
3 at periods of more than twelve (12) months after the date thereof, when necessary, for the  
4 acquisition of property, the construction, completion extension or improvement of its plant or  
5 distributing system, or for the improvement or maintenance of its service, or for the dis-  
6 charge or lawful refunding of its lawful obligations, provided, and not otherwise, that there  
7 shall have been secured from the commission an order authorizing such issue, and the amount  
8 thereof, and stating that in the opinion of the commission the use of the capital to be secured  
9 by the issue of such stock, bonds, notes, warrants, or other evidence of indebtedness, is reason-  
10 ably required for the said purposes of the corporation. For the purpose of enabling the com-  
11 mission to determine whether or not it shall issue such an order, the commission shall make such  
12 inquiry or investigation, hold such meetings, and examine such witnesses, books and papers,  
13 documents or contracts as it may deem of importance in enabling it to reach a determination  
14 but such person, corporation or municipal corporation may issue notes or other evidence of  
15 indebtedness for proper corporate purposes not in violation of any provision of this or any  
16 other law, payable at periods of not more than twelve (12) months without such consent. Such  
17 notes or other evidence of indebtedness shall not, in whole or in part, directly or indirectly, be

18 refunded by any issue of stock or bonds, or by any other evidence of indebtedness running for  
19 more than twelve (12) months without the consent of the commission.

SEC. 20. The commission may institute action upon its own volition or upon being served  
2 with a certified copy of a resolution adopted by the council of any city or town in the State,  
3 including those acting under special charter and on the commission plan, in which any person  
4 or corporation or municipality is authorized to manufacture, sell or supply gas or electricity,  
5 or any other medium for heat, light or power, or to supply water, or telegraph or telephone  
6 or street car service, or other service or commodity as a public utility, or upon complaint in  
7 writing of not less than one hundred (100) customers or patrons of such public utility, either  
8 as to the means, quality or efficiency of service, or rates or price of the commodity or service  
9 furnished and delivered in such municipality, by any person, corporation, or municipal corpo-  
10 ration, the commission shall investigate as to the cause of such complaint. When such com-  
11 plaint is made the commission may by its agents, experts, and inspectors examine and inspect  
12 the works, system, plant and methods used by such person or corporation, or municipal cor-  
13 poration, in accumulating, manufacturing, transmitting and supplying such commodity or ser-  
14 vice, and may examine, or cause to be examined, the books and papers of such person, corpora-  
15 tion, or municipal corporation pertaining to the manufacture, accumulation, sale, transmission  
16 and supply of such commodity or service. The form and contents of complaints as made and  
17 provided in this section shall be as provided by the commission. Such complaints when made  
18 by the consumers or patrons shall be signed by them, who must add to their signatures their  
19 place of residence, by street and number if any.

SEC. 21. Before proceeding under a complaint as provided in the preceding section, the com-  
2 mission shall cause notice of such complaint and the purpose thereof, to be served upon the per-  
3 son, corporation or municipality affected thereby, together with a copy of said complaint, with  
4 the names attached thereto. Such person, corporation or municipality shall have an opportu-  
5 nity to be heard in respect to the matters complained of, at a time and place to be specified in  
6 such notice. After such investigation as may have been made by the commission, its officers,  
7 agents, examiners or inspectors, and after a hearing, the commission may, by order fix the  
8 reasonable price of gas or electricity, or any other medium for furnishing heat, light or  
9 power, or of water, or telegraph or telephone, or street car service, or other service or com-  
10 modity furnished as a public utility, to be charged by such person or private or municipal cor-  
11 poration; or may order such improvement in the accumulation, manufacture, supply, trans-  
12 mission or distribution thereof, or in the service or methods employed by such person, corpo-  
13 ration or municipality as, in its judgment, will improve the same. The price so fixed by the  
14 commission shall be the price to be charged by such person, corporation or municipality for gas,  
15 electricity, or other medium for heat, light or power, or water, or telegraph, or telephone, or  
16 street car service, or other service or commodity, furnished as a public utility, until the com-

17 mission shall upon complaint as provided for in this section, again fix the price thereof, unless  
18 suspended or set aside by a court of competent jurisdiction. In determining the price to be  
19 charged for any such commodity or service the commission may consider all facts which in its  
20 judgment have any bearing upon the proper determination of the question although not set  
21 out in the complaint and not within the allegations therein, and shall provide rates sufficient  
22 for the charging off, in all cases, of a reasonable depreciation, sufficient over and above the ex-  
23 pense of maintenance to keep the property in a state of efficiency corresponding with the prog-  
24 ress of the industry.

25 The money in the depreciation fund may be expended in new constructions, extensions of or  
26 additions to the property of such public utility, and any income from the investment of said  
27 fund shall be carried therein. Said fund and the proceeds thereof shall be used for no other  
28 purpose than depreciation, and as provided in this section.

29 The rates, service, regulations, practices and methods of measurement fixed by the commis-  
30 sion shall be just and reasonable, and not be unjustly discriminatory, nor such as to allow un-  
31 fair competition. Any public utility may, at any time, by complaint in writing, invoke the action  
32 of the commission as to matters within the jurisdiction of the commission affecting such pub-  
33 lic utility, and an investigation shall be made, and a hearing had thereon, and the matter de-  
34 termined as provided in this act.

35 When any complaint is made by any public utility, as herein provided, the commission shall  
36 cause notice thereof to be served on the mayor of the city or town wherein said public utility  
37 is located, or has its principal office for the conduct of its business.

38 The commission may enforce its orders by appropriate actions in the courts, and may, in its  
39 discretion, intervene in actions where the public interest requires it.

SEC. 22. The commission may, in its discretion, upon application of either party to the  
2 proceeding, grant a re-hearing, and in such event, or in case any order of the commission is  
3 brought in question before any court of competent jurisdiction, the person, corporation or  
4 municipality conducting the public utility affected by said order shall not be required to com-  
5 ply therewith until there shall be a final adjudication upon the questions involved, provided  
6 such utility gives a good and sufficient bond guaranteeing such compliance in case the order  
7 shall be held to be legal and valid.

SEC. 23. Every order of the commission shall be served upon the person or corporation con-  
2 ducting a utility to be affected thereby, either by personal delivery of a certified copy thereof, or  
3 by mailing a certified copy thereof in a sealed package, with postage prepaid, to his proper post-  
4 office address; or, in case of a corporation, on any officer or agent thereof upon whom an  
5 original notice might be served in a civil action. It shall be the duty of every person or cor-  
6 poration or municipality to notify the commission forthwith, in writing, of the receipt of the  
7 certified copy of every order so served, and in case of a corporation such notice must be signed

8 by a person or officer duly authorized by it to admit such service, and every person, corpora-  
9 tion and municipality upon whom it is served, must, within thirty (30) days, if so required by  
10 the order, notify the commission in like manner whether or not the terms of the order are  
11 accepted and will be obeyed. Every order of the commission shall take effect at the time  
12 therein specified, except as otherwise provided, and shall continue in force for the period therein  
13 designated, unless earlier modified or abrogated by the commission, or suspended by an order  
14 of court, or unless such order be unauthorized by this or any other act, or be in violation of  
15 the constitution of the State or the United States.

SEC. 24. All actions and proceedings under this act, and all actions and proceedings com-  
2 menced and prosecuted by order of the commission, and all actions and proceedings in which  
3 either the commission or the people of the State of Iowa may be parties, and in which any  
4 question arises under this act, or under or concerning any order or action of the commission,  
5 shall be preferred over all other civil causes in all courts of the State, and shall be heard and  
6 determined in preference to all other civil business pending therein, irrespective of position on  
7 the calendar. The same preference shall be granted upon application of counsel of the com-  
8 mission in any action or proceeding in which it may be allowed to intervene.

SEC. 25. The several public utilities affected by this act shall have the right to exercise the  
2 franchises and privileges which they now have, or which may hereafter be granted to them  
3 so long as they comply with the provisions of this act and the orders of the commission held to  
4 be valid under the provisions of the constitution of the State of Iowa and of the United States.

SEC. 26. No person or corporation, incorporated under the laws of this or any other State,  
2 nor any municipal corporation, shall exercise any right or privilege under any franchise  
3 granted hereunder, or under any franchise heretofore granted and in force, for the purpose of  
4 constructing a new plant, without first having obtained the permission and approval of the  
5 commission; before such permission shall be granted a certified copy of the articles of incor-  
6 poration of such corporation shall be filed in the office of the commission, together with a veri-  
7 fied statement of the president and secretary of the corporation showing that it has received  
8 the required consent of the proper municipal authorities. Whenever any public utility is fur-  
9 nishing adequate service and supplying the reasonable wants of the people of the city or  
10 community in which it is operating, and complying with the orders of the commission as pre-  
11 scribed, the commission shall not grant to any other public utility the right to compete with  
12 said public utility, engaged in similar service, until after a public hearing of all parties inter-  
13 ested, and a finding by the commission that public convenience and necessity require such second  
14 public utility; and no municipality shall hereafter construct or equip any such plant where  
15 there is in operation any such public utility under the jurisdiction of the commission engaged  
16 in similar service without first securing from the commission a finding, after a public hearing  
17 of all parties interested, that public convenience and necessity require such additional public

18 utility, but nothing herein shall be construed to prevent municipalities from acquiring any  
19 public utility in accordance with any existing contract. If a certificate of authority is refused,  
20 no further proceedings shall be taken before the commission, but a new application may be made  
21 therefor one (1) year after and from the date of such refusal.

SEC. 27. The term "public utility" as used in this act shall mean and embrace, in addition  
2 to those specifically named in this act every person, corporation, company, partnership, or asso-  
3 ciation of persons, their lessees, trustees or receivers appointed by any court whatsoever or  
4 otherwise and every town or city, including cities acting under special charter and the commis-  
5 sion plan, that now or hereafter may own, operate, manage or control any plant or equipment,  
6 or any part of a plant or equipment, within the State, for conducting any public utility in this  
7 act specifically named. And the term "public utility" shall also mean and embrace district  
8 telegraph companies and associations and also elevators and elevator companies, and ware-  
9 houses and ware-house companies which issue ware-house certificates as provided in Chapter  
10 10, Title 15, of the Code, and amendments thereto; and the persons, corporations or associa-  
11 tions owning, operating or controlling the same.

SEC. 28. There is hereby appropriated out of any funds in the State treasury not otherwise  
2 appropriated a sufficient amount with which to pay salaries of the commissioners and all its  
3 appointees and employes and for the purpose of carrying out the provisions of this act. The  
4 commission shall present to the Executive Council itemized, verified statements of expendi-  
5 tures, and no warrants shall be drawn therefor except on the approval of the Executive Coun-  
6 cil. Such verification must be made by the persons incurring the expense or having personal  
7 knowledge thereof.

SEC. 29. On and after July 1, 1909, the Public Service Commission shall possess and exer-  
2 cise all the powers conferred upon and perform all the duties required of the Executive  
3 Council of the State of Iowa by Chapter 71 of the acts of the Thirty-second General Assembly  
4 in so far as relates to public service corporations as defined by this act, and on and after said  
5 date the Executive Council shall cease to exercise said powers and perform said duties.

SEC. 30. Any person violating any of the provisions of this act shall be deemed guilty of a  
2 misdemeanor and on conviction shall be punished by a fine not exceeding five hundred (\$500)  
3 dollars, or imprisonment in the county jail not exceeding thirty (30) days.

SEC. 31. The powers heretofore conferred by the General Assembly on cities and towns,  
2 and on cities acting under special charters and under the commission plan, to fix the charges  
3 for meters, or to regulate and fix the rates or service of water, gas, electric light, or other public  
4 utilities, and the period of duration of their franchises, and all other powers heretofore con-  
5 ferred on such cities and towns, which are in conflict with this act, are hereby repealed, but  
6 such repeal shall not deprive any person, corporation or municipality of any vested right, nor  
7 affect any pending litigation, nor shall any law affecting railroads, interurban railroads, ex-

8 press companies, car companies, sleeping car companies, freight and freight line companies, or  
9 any common carrier engaged in the transportation of passengers or freight, or any person, cor-  
10 poration or subject over which the Board of Railroad Commissioners has jurisdiction or con-  
11 trol be repealed or be modified by this act unless expressly so provided.

SEC. 32. No public service corporation as defined in this act, except railway corporations,  
2 shall furnish any free service to any person, firm or corporation or any service at a lower price  
3 than that charged other persons, firm or corporations. Nor shall any railway corporation fur-  
4 nish any free service to any member of the commission herein contemplated; nor to any offi-  
5 cer or employe thereof; nor shall any such corporation furnish to such commissioners or em-  
6 ployes thereof any service at a lower price than that charged other individuals.

SEC. 33. This act, being deemed of immediate importance, shall take effect and be in force  
2 from and after its passage and approval and publication in the Register and Leader and Des  
3 Moines Daily Capital, newspapers published in Des Moines, Iowa.