

February 2, 1959.  
Passed on File.

**Senate File 185**  
By SHAFF and SCHROEDER.

Passed Senate, Date..... Passed House, Date.....  
Vote: Ayes..... Nays..... Vote: Ayes..... Nays.....  
Approved.....

## A BILL FOR

An Act for the creation of an Iowa public service commission, to define the powers, duties, and jurisdiction of such commission, and to transfer the duties of the Iowa state commerce commission, abolished by this Act, to the public service commission herein created.

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

1 Section 1. This Act shall be known and may be cited as the  
2 "Iowa Public Service Commission Law".

1 Sec. 2. 1. The terms "corporation" and "public service  
2 corporation", when used in this Act, include private corpora-  
3 tions, joint stock associations, and business trusts, but do  
4 not include co-operative corporations or associations nor mu-  
5 nicipal corporations.

6 2. The term "person", when used in this Act, includes a  
7 natural person, a partnership, two or more persons having a  
8 joint or common interest, and all corporations as hereinbefore  
9 defined.

10 3. The term "municipality", when used in this Act, in-  
11 cludes a city, a county, a town, a lighting district, and any  
12 other public corporation or association existing, or created or  
13 organized as a governmental unit under the constitution or laws  
14 of the state or of the United States.

15 4. The term "public utility", when used in this Act, in-  
16 cludes persons and corporations as above defined, or their  
17 lessees, trustees, and receivers, now or hereafter owning or

18 operating in this state for public patronage or use any equip-  
19 ment or facilities for:

20 a. Producing, generating, transmitting, delivering, or  
21 furnishing any and all varieties or forms of commercial gas,  
22 electricity, steam, or any other agency for the production of  
23 light, heat, or power.

24 b. Developing, diverting, pumping, impounding, distri-  
25 buting, or furnishing electric power produced by the use of  
26 water power or furnishing water developed, diverted, or dis-  
27 tributed as incidental to producing electricity by means of  
28 water power.

29 The term "public utility" shall not include any person  
30 not otherwise a public utility which furnishes public utility  
31 services or commodities only to itself, its employees, or its  
32 tenants at the same rates paid for such service when such serv-  
33 ice or commodity is not resold to or used by others. No pub-  
34 lic utility shall be required to furnish any service to any  
35 person for resale. The business of any public utility other  
36 than of the character defined in paragraphs (a) and (b) of  
37 subsection four (4) of this section is not subject to the pro-  
38 visions of this Act.

39 5. The term "rate", when used in this Act, means and in-  
40 cludes every compensation, charge, fare, toll, tariff, rental,  
41 and classification, or any of them, demanded, observed, charged,  
42 or collected by any public utility for any service, product, or  
43 commodity offered by it to the public.

44 6. The word "commission", when used in this Act, shall  
45 refer to the Iowa public service commission unless otherwise  
46 indicated.

47 7. The word "securities" shall mean and include stock or  
48 other evidence of ownership or interest in a public utility is-  
49 sued by such utility and evidences of indebtedness issued or  
50 assumed by a public utility whether in the form of bonds, notes,  
51 debentures, or other obligations issued by such utility but  
52 shall not include any short-term evidence of indebtedness pay-  
53 able upon demand if actually and fully paid within nine (9)  
54 months or falling due by its terms one (1) year or less after  
55 its date and bearing date not later than the date of sale or  
56 issue, whichever is later, whether or not such obligation shall  
57 refund another obligation, provided the public utility issuing  
58 the same shall not have a unilateral right to extend or refund  
59 such obligation.

1 Sec. 3. Section four hundred seventy-four point one  
2 (474.1), Code 1958, is hereby repealed and the following is sub-  
3 stituted in lieu thereof: "No person in the employ of any com-  
4 mon carrier or other public utility, or owning any bonds, stock,  
5 or property in any railroad company or other public utility shall  
6 be eligible to the office of Iowa public service commissioner or  
7 secretary of the commission; and the entering into the employ of  
8 any common carrier or other public utility or the acquiring of  
9 any stock or other interest in any common carrier or other pub-  
10 lic utility by an officer under this chapter, after his appoint-  
11 ment, shall disqualify him to hold the office or perform the du-  
12 ties thereof."

1 Sec. 4. Section four hundred seventy-four point two  
2 (474.2), Code 1958, is repealed and the following is substitu-  
3 ted in lieu thereof: "The Iowa public service commission shall  
4 consist of three (3) persons having the qualifications of elec-

5 tors and not being less than thirty-five (35) years of age. No  
6 more than two (2) of such commissioners shall belong to the same  
7 political party. On the second Tuesday of January of each year,  
8 the commission shall organize by electing one (1) of its mem-  
9 bers as chairman, and by appointing a secretary, who shall take  
10 the same oath as the commissioners; but this or a part of this  
11 may be done at a subsequent meeting. It shall be the duty of  
12 the commission to divide and assign its functions among the  
13 following departments: Gas, electric, heat, and transportation  
14 and it shall have authority to provide managers for the same.  
15 In its discretion it shall provide one (1) or more managers  
16 for the gas, electric, and heat divisions, but these divisions  
17 shall be administered separately, as far as efficiency per-  
18 mits, from the transportation division. The commission shall  
19 also have power to employ at compensation rates reasonably con-  
20 sistent with current standards in Iowa all professionally  
21 trained engineers, lawyers, accountants, and other skilled and  
22 experienced examiners, inspectors, secretaries, clerks, and  
23 other employees as it may find necessary for the full and ef-  
24 ficient discharge of its duties and responsibilities."

1 Sec. 5. Section thirty-nine point thirteen (39.13),  
2 Code 1958, is hereby repealed and the following is substituted  
3 in lieu thereof: "One (1) Iowa public service commissioner  
4 shall be appointed by the governor in 1959 as soon as may be  
5 after the passage of this Act, by and with the approval of two-  
6 thirds ( $\frac{2}{3}$ ) of the senate, for a six (6)-year term of office  
7 and each sixth year thereafter. One (1) Iowa public service  
8 commissioner shall be in the same manner appointed in 1959 for  
9 a four (4)-year term of office and each sixth year thereafter.

10 One (1) Iowa public service commissioner shall be in the same  
11 manner and at the same time appointed for two (2) years and each  
12 sixth year thereafter. The governor is hereby authorized to  
13 make recess appointments when the general assembly is not in  
14 session, which shall be valid until the next session of the said  
15 assembly, but not thereafter unless approved by the senate as  
16 hereinbefore provided; provided, however, that the persons hold-  
17 ing office as "Iowa state commerte commissioners" upon the ef-  
18 fective date of this Act shall continue in said offices until  
19 the December thirty-first next after the Iowa public service  
20 commissioners shall have been appointed, approved, and quali-  
21 fied and, under direction of said Iowa public service commis-  
22 sion, shall continue to carry on the work and responsibilities  
23 heretofore assigned to them until such date. Iowa public ser-  
24 vice commissioners shall receive the same amounts in salaries  
25 as do members of the Iowa state supreme court.

1. Sec. 6. Chapter four hundred seventy-four (474), Code  
2 1958, is hereby amended by adding a new section as follows:  
3 "On December thirty-first next, after members of the Iowa pub-  
4 lic service commission have been appointed, approved, and  
5 qualified, the Iowa state commerce commission shall cease to  
6 exist and the tenure of office of the Iowa state commerce com-  
7 missioners shall terminate. All the rights, powers, and  
8 duties heretofore vested by law in said Iowa state commerce  
9 commission are hereby transferred to and vested in said Iowa  
10 public service commission and shall hereafter be exercised and  
11 performed thereby. Said Iowa public service commission shall  
12 hereafter have and exercise, in addition to other duties herein  
13 assigned to it, the same jurisdiction in all respects as has

14 been heretofore held and exercised by the Iowa state commerce  
15 commission under the laws of the state. All proceedings of  
16 whatsoever nature pending before said Iowa state commerce com-  
17 mission are hereby transferred to be pending before said Iowa  
18 public service commission and shall be carried on and completed  
19 in the same manner and subject to the same incidents as though  
20 they had been carried to completion by said Iowa state com-  
21 merce commission. During the period between the effective date  
22 of this Act and December thirty-first next following, the mem-  
23 bers of the Iowa state commerce commission may be authorized  
24 by the Iowa public service commission to hear and to propose  
25 decisions upon matters pending before them prior to the said  
26 effective date of this Act, which decisions may be confirmed  
27 by the said Iowa public service commission, or upon review at  
28 the request of any party, reversed. All legal remedies hereto-  
29 fore existing are continued to be available in said pending  
30 matters. The Iowa public service commission shall have full  
31 discretionary power to assume all authority in respect to any  
32 and all pending matters between the effective date of this Act  
33 and December thirty-first next following, and to assign any  
34 duties which it may deem suitable and proper to all who were  
35 members of the Iowa state commerce commission or appointees  
36 or employees under the same. All of such parties may be dis-  
37 missed or reappointed or continued in employment at the dis-  
38 cretion of said Iowa public service commission or a majority  
39 thereof, including the commerce counsel whose term of appoint-  
40 ment and employment shall be deemed to terminate on the effec-  
41 tive date of this Act unless the incumbent of the said office  
42 of commerce counsel by action of the Iowa public service com-

43 mission is appointed to the office of Iowa public service com-  
44 mission general counsel which is hereby created. Wherever  
45 reference is made in the statutes of the state concerning  
46 railroads or other public utilities to the "commission" or to  
47 the "Iowa state commerce commission", such reference shall be  
48 construed after the termination of said commerce commission  
49 to mean the Iowa public service commission herein created.  
50 The Iowa state commerce commission, upon termination of its  
51 existence as aforesaid, shall transfer and deliver to the  
52 Iowa public service commission all books, maps, files, of-  
53 fice equipment, records, furniture, and other property of  
54 whatsoever nature or description in its possession.

1     Sec. 7. Chapter four hundred seventy-four (474), Code  
2 1958, is hereby amended by adding a new section as follows:  
3 "Every order, finding, authorization, or certificate issued  
4 or approved by the commission under any provisions of this  
5 Act shall be in writing and entered on the records of the  
6 commission. A certificate under the seal of the commission  
7 that any such order, finding, authorization, or certificate  
8 has not been modified, stayed, suspended, or revoked shall  
9 be received as evidence in any proceedings as to the facts  
10 therein stated."

1     Sec. 8. Section four hundred seventy-four point ten  
2 (474.10), Code 1958, is repealed and the following is substi-  
3 tuted in lieu thereof: "The commission shall have general  
4 jurisdiction, including authority to approve all security and  
5 stock issues, of all railroads operating within the state, ex-  
6 press companies, car companies, sleeping car companies,  
7 freight and freight line companies, interurban railway compa-

8 nies, motor carriers, including interurban lines, pipelines,  
9 all other common carriers engaged in the transportation of pas-  
10 sengers or freight by railroad or otherwise, all lines for the  
11 transmission, sale, and distribution of electrical current for  
12 light, heat, or power, and all gas, electricity, and or heat  
13 public utilities. It shall investigate any alleged neglect or  
14 violation of law by any such common carrier or other public  
15 utility or its agents, officers, or employees."

1 Sec. 9. Chapter four hundred seventy-four (474), Code  
2 1958, is hereby amended by adding the following:

3 1. "No public utility or other person, natural or cor-  
4 porate, shall hereafter acquire or begin the construction or  
5 operation of any public utility plant or system, or of any ex-  
6 tension thereof, without first obtaining from the commission a  
7 certificate that public convenience and necessity require or  
8 will require such acquisition, construction, or operation; pro-  
9 vided that, unless such acquisition, construction, or operation  
10 has been commenced under a limited or conditional certificate  
11 of authority as hereinafter provided in subsections three (3)  
12 to eight (8) of this section, the foregoing shall not be con-  
13 strued to require any such public utility to secure a certifi-  
14 cate for an extension within any municipality or district with-  
15 in which it has heretofore lawfully commenced operations, for  
16 an extension within or to territory already served by it, ne-  
17 cessary in the ordinary course of its business, or for an ex-  
18 tension into territory contiguous to that already occupied by  
19 it and not receiving similar service from another public util-  
20 ity; but, if any public utility in acquiring, constructing, or  
21 extending its line, facility, plant, system, or operations un-

22 reasonably interferes with or is about unreasonably to inter-  
23 fere with or duplicate the service or system of any other pub-  
24 lic utility, the commission on complaint of the public utility  
25 claiming to be injuriously affected may, after hearing, on rea-  
26 sonable notice, make such order and prescribe such terms and  
27 conditions in harmony with this Act as are just and reason-  
28 able.”

29 2. “No public utility shall hereafter exercise any right  
30 or privilege under any franchise or permit hereafter granted,  
31 or under any franchise or permit heretofore granted, the exer-  
32 cise of which, subsequent to the effective date of this act,  
33 has been suspended or discontinued for more than one (1) year  
34 without first obtaining from the Iowa public service commission  
35 a certificate that public convenience and necessity require  
36 that exercise of such right or privilege.”

37 3. “Before any certificate may issue under this section,  
38 a certified copy of its articles of incorporation or charter,  
39 if the applicant be a corporation, shall be on file in the of-  
40 fice of the Iowa public service commission. All applications  
41 for a certificate shall be in writing and shall contain the  
42 following:

43 a. the name of the person or corporation making the ap-  
44 plication and the form of its organization.

45 b. The principal office or place of business of appli-  
46 cant.

47 c. A complete description of the route over or the area  
48 in which the applicant proposes to operate.

49 d. A schedule setting forth in detail the service which  
50 the applicant proposes to furnish.

51 e. A complete description of the equipment which the ap-  
52 plicant proposes to use in furnishing the service.

53 f. A financial statement from which the commission can  
54 determine whether or not the applicant is able to engage in the  
55 undertaking proposed in the application.

56 g. Such evidence as shall be required by the commission  
57 to show that such applicant has received the consent, franchise,  
58 permit, ordinance, vote, or other authority of the proper muni-  
59 cipality or other public authority if required."

60 4. "Hearings upon said applications shall follow the same  
61 procedure as previously enacted in relation to motor carriers  
62 and set forth in sections three hundred twenty-five point thir-  
63 teen (325.13) to three hundred twenty-five point seventeen  
64 (325.17), inclusive, of the Code of Iowa."

65 5. "The expenses of hearings and the required deposits  
66 to cover expenses shall be governed by the same rules and re-  
67 quirements as were hereinbefore enacted in relation to motor  
68 carriers and set forth in sections three hundred twenty-five  
69 point nineteen (325.19) and three hundred twenty-five point  
70 twenty (325.20) of the Code of Iowa."

71 6. "The Iowa public service commission shall have power,  
72 after hearing and after making appropriate and adequate find-  
73 ings, to issue said certificate, as prayed for, to refuse to  
74 issue the same or to issue it for the construction or operation  
75 of a portion only of the contemplated facility, line, plant,  
76 system, or operation or extension thereof, or for the partial  
77 exercise only of said rights or privilege, and may attach to the  
78 exercise of the rights granted by said certificate such terms  
79 and conditions in harmony with this Act as in its judgment the

80 public convenience and necessity may require.”

81 7. “If any public utility desires to exercise a right or  
82 privilege under a permit or other authority which it contem-  
83 plates securing, but which has not as yet been granted to it,  
84 such public utility may apply to the commission for an order  
85 preliminary to the issue of the certificate. The commission  
86 may thereafter, upon a proper showing of immediate need, make  
87 a temporary order permitting immediate temporary operation  
88 and declaring that it will thereafter, upon application, under  
89 such rules and regulations as it may prescribe, issue the de-  
90 sired certificate upon such terms and conditions as it may des-  
91 ignate, after such public utility has obtained any required per-  
92 mit or other authority. In such case, upon the presentation to  
93 the commission thereafter of evidence satisfactory to it that  
94 such permit or other authority has been secured by such public  
95 utility, the commission may issue such certificate.”

96 8. “Whenever a public utility is engaged or is about to  
97 engage in construction or operation without having secured a  
98 certificate of public convenience and necessity as required by  
99 the provisions of this Act, any interested person may file a  
100 complaint with the commission. The commission may, with or  
101 without notice, make its order requiring the public utility  
102 complained of to cease and desist from such construction or  
103 operation until the commission makes and files its decision  
104 on said complaint or until the further order of the commission.  
105 The commission may, after hearing, after reasonable notice,  
106 make such order and prescribe such terms and conditions in  
107 harmony with this Act as are just and reasonable.”

108 9. “Indeterminate permits. Any public utility operating

109 under an existing or expired license, permit, or franchise or  
110 without any of the same, heretofore granted by the state or any  
111 municipality to occupy the streets or highways for the purpose  
112 of carrying on any of the public services defined in this Act,  
113 except the service of transporting persons or property for the  
114 public for compensation between cities, shall, upon filing with  
115 the commission a written declaration that it surrenders such li-  
116 cense, permit, or franchise, if any, receive by operation of law  
117 an indeterminate permit which shall take the place of the sur-  
118 rendered license, permit, or franchise, if any; and the public  
119 utility or its successors or assigns shall hold such permit in  
120 accordance with the terms, conditions, and limitations of this  
121 Act and any future regulatory acts. Such permit shall contin-  
122 ue in force until such time as a municipality having authority  
123 so to do shall purchase the property operated under such permit  
124 in accordance with the provisions of this Act, or until termin-  
125 ated according to law for misuser or nonuser."

126 10. "Every franchise or permit to operate hereafter  
127 granted to any public utility, except those offering the ser-  
128 vice of transporting persons or property for the public for  
129 compensation between cities, shall have the effect of an inde-  
130 terminate permit as defined in the foregoing paragraph."

131 11. "The entire property of any public utility company  
132 (whether a complete or partial production or distribution or  
133 other service unit) located or operating in any city or town  
134 of the state of Iowa under an indeterminate permit may be pur-  
135 chased by said city or town proceeding under the provisions of  
136 section three hundred ninety-seven point four (397.4) or three  
137 hundred ninety-seven point twenty (397.20)."

138 12. "If, for any reason, other than for misuser or non-  
139 user, or through purchase of the property operated thereunder,  
140 as provided herein, any indeterminate permit held by a public  
141 utility is held to be invalid, the public utility shall, by  
142 operation of law and without further act, have reinstated in it  
143 all rights to operate including all franchises surrendered by  
144 it in exchange for such indeterminate permit. If such rights,  
145 permits, or franchises or any part thereof have expired by limi-  
146 tation of term, they shall, nevertheless, by operation of law,  
147 be extended for a period of three (3) years from and after the  
148 date when such indeterminate permit is declared invalid. If  
149 the public utility involved has taken such indeterminate per-  
150 mit as a new franchise and not in connection with the surrender  
151 of an old franchise or franchises, it shall, by operation of  
152 law, have the right to carry on its operations as embraced in  
153 such indeterminate permit, for a period of three (3) years from  
154 the date when such indeterminate permit is declared invalid."

1 Sec. 10. The commission may, after hearing upon reasonable  
2 notice had upon its own motion or upon complaint, ascertain and  
3 fix just and reasonable standards, classifications, regulations,  
4 practices, or service to be furnished, imposed, observed, and  
5 followed by any or all public utilities, ascertain and fix ade-  
6 quate and reasonable standards for the measurement of quantity,  
7 quality, pressure, initial voltage, or other conditions pertain-  
8 ing to the supply of the product, commodity, or service, fur-  
9 nished or rendered by any and all public utilities; prescribe  
10 reasonable regulations for the examination and testing of such  
11 product, commodity, or service and for the measurement thereof,  
12 establish or approve reasonable rules, regulations, specifica-

13 tions, and standards to secure the accuracy of all meters and ap-  
14 pliances for measurement; and provide for the examination and  
15 testing of any and all appliances used for the measurement of any  
16 product, commodity, or service of any public utility.

1 Sec. 11. Section four hundred seventy-four point eighteen  
2 (474.18), Code 1958, is hereby amended by inserting in line four  
3 (4) thereof after the word "carriers" the words "and other pub-  
4 lic utilities" and in line seventeen (17) thereof after the word  
5 "carriers" the words "or other public utility".

6 Section three hundred ninety-seven point ten (397.10), Code  
7 1958, is hereby amended by striking from lines eleven (11) to  
8 thirteen (13) thereof the words "delivered to the contractor or  
9 contractors in payment for such improvement or they may be".

1 Sec. 12. Chapter four hundred seventy-four (474), Code  
2 1958, is hereby amended by adding the following:

3 "The commissioners and the officers and employees of the  
4 Iowa public service commission may, during all reasonable hours,  
5 enter upon any premises occupied by any public utility for the  
6 purpose of making the examinations and tests and exercising the  
7 powers of investigation and regulation of the Iowa public ser-  
8 vice commission and may set up and use on such premises any ap-  
9 paratus and appliances necessary therefor. Such public utility  
10 shall have the right to be represented at the making of such ex-  
11 amination, tests, and inspections.

12 "The commission or any commissioner or any party to the pro-  
13 ceedings may, in any investigation or hearing before the commis-  
14 sion, cause the deposition of witnesses residing within or with-  
15 out the state to be taken in the manner prescribed by law for  
16 taking depositions in civil actions.

17 "No person shall be excused from testifying or from pro-  
18 curing any book, document, paper, or account in any investiga-  
19 tion, or inquiry by, or hearing before the commission or any  
20 commissioner, when ordered to do so, upon the ground that the  
21 testimony or evidence, book, document, paper, or account re-  
22 quired of him may tend to incriminate him or subject him to  
23 penalty or forfeiture; but no person shall be prosecuted, pun-  
24 ished, or subjected to any forfeiture or penalty for or on ac-  
25 count of any act, transaction, matter, or thing concerning  
26 which he shall have been compelled under oath to testify or pro-  
27 duce documentary evidence; provided that no person so testify-  
28 ing shall be exempt from prosecution or punishment for any per-  
29 jury committed by him in his testimony.

30 "Copies of official documents and orders filed or deposi-  
31 ted according to law in the office of the commission and cer-  
32 tified by a commissioner or by the secretary under the official  
33 seal of the commission to be true copies of the original shall  
34 be evidence in like manner as the originals in all matters be-  
35 fore the commission and in the courts of this state.

36 "Witnesses who are summoned before the commission shall be  
37 paid the same fees and mileage as are paid to witnesses in the  
38 courts of record of general jurisdiction. Witnesses whose dep-  
39 ositions are taken pursuant to the provisions of this Act, and  
40 the officer taking the same, shall be entitled to the same fees  
41 as are paid for like services in such courts."

1 Sec. 13. Section four hundred seventy-four point twenty  
2 (474.20), Code 1958, is hereby amended by inserting in line  
3 three (3) thereof after the word "extends" the words "or other  
4 public utility operates", by inserting after the word "carrier"

5' in line twelve (12) thereof the words "or other public utili-  
6 ty", and by inserting after the word "person" in line twelve  
7 (12) thereof the words "subject to the jurisdiction of the  
8 court".

1 Sec. 14. Chapter four hundred seventy-four (474), Code  
2 1958, is hereby amended by adding the following:

3 1. "Under such rules and regulations as the Iowa pub-  
4 lic service commission may prescribe, every public utility  
5 shall file with the commission, within such time and in such  
6 form as the commission may designate, schedules showing all  
7 rates established by it, as well as all services or facili-  
8 ties furnished to or offered to any and all patrons, and all  
9 rules and regulations which may in any way change, affect, or  
10 determine any part or the aggregate of such rates established  
11 by it and collected or enforced, or to be collected or enforced  
12 within the jurisdiction of the commission and the terms and  
13 conditions upon which service shall be rendered under such  
14 rates. The public utility shall keep copies of such schedules  
15 open to public inspection under such rules and regulations as  
16 the commission may prescribe."

17 2. "No public utility shall directly or indirectly by  
18 any device whatsoever or in any wise charge, demand, collect,  
19 or receive from any person any unjust or unreasonable rate or  
20 charge for any service of any of the kinds mentioned in sec-  
21 tion two (2) of this Act. The Iowa public service commission  
22 is hereby authorized, empowered, and directed to regulate all  
23 rates, tariffs, fees, and charges of all public utilities to  
24 the end that the public shall pay only just and reasonable  
25 rates for services rendered.

26 "The Commission, in the exercise of its powers under this  
27 Act to determine just and reasonable rates for public utilities,  
28 shall give due consideration to the public need for adequate,  
29 efficient, and reasonable service and to the need of the public  
30 utility for revenue sufficient to enable it to meet the current  
31 cost of furnishing such service, including adequate provision  
32 for depreciation of its utility property used and useful in  
33 rendering service to the public, and to earn a fair and reason-  
34 able return upon the present fair value of such property.

35 "For the purpose of enforcing the foregoing standards,  
36 the commission shall have full power and authority to investi-  
37 gate all facts relating to the establishment of rates as here-  
38 in provided."

39 3. "Each public utility which shall hereafter operate  
40 within the state of Iowa shall serve all persons who desire to  
41 patronize it, without unjust discrimination, and shall render  
42 to each and every customer or patron prompt and reasonably  
43 adequate service. It shall be within the jurisdiction and ob-  
44 ligation of the Iowa public service commission to enforce the  
45 duty of each public utility to render to all consumers reason-  
46 ably adequate service, without unjust or unreasonable discrim-  
47 ination and said commission shall have the power and authority  
48 to limit or restrict the use of any utility services during  
49 periods of shortages beyond the control of the utility. To  
50 this end, the commission shall have the power to make ade-  
51 quate inspections, inquiries, and investigations of all kinds  
52 and qualities of public utility services, to subpoena all  
53 records and witnesses necessary for making a thorough study  
54 of the same, to hold hearings upon its own motion or upon the

55 petition of any consumer or group of consumers, to make and  
56 issue orders requiring improvement or any reasonable changes  
57 in the kind, quality, and method of rendering any of such  
58 services, and to fix standards for future construction of  
59 public utility facilities. If any of said orders by the  
60 said commission shall be disregarded or disobeyed, the same  
61 shall be enforced by the district courts of the state in any  
62 and all counties wherein any of the public utility properties  
63 concerned may be located or doing business according to the  
64 procedures set forth in sections four hundred seventy-four  
65 point twenty (474.20) to four hundred seventy-four point thir-  
66 ty (474.30), inclusive, as amended.”

67 4. “No public utility shall directly or indirectly, by  
68 any device whatsoever, or in any wise charge, demand, collect,  
69 or receive from any person a greater or less compensation for  
70 any service rendered or to be rendered by such public utility  
71 than that prescribed in the schedules of such public utility  
72 applicable thereto then filed with the Iowa public service  
73 commission, nor shall any person receive or accept any ser-  
74 vice from a public utility for a compensation greater or less  
75 than that prescribed in such schedules.”

76 5. “No public utility shall, as to rates or service,  
77 make or grant any unreasonable preference or advantage to any  
78 corporation or person or subject any corporation or person to  
79 any unreasonable prejudice or disadvantage. No public utili-  
80 ty shall establish or maintain any unreasonable difference as  
81 to rates or services either as between localities or as be-  
82 tween classes of service. The Iowa public service commission  
83 may determine any question of fact arising under this section,

84 but nothing in this subsection shall be construed as relieving  
85 any railroad from the liabilities of sections four hundred seven-  
86 ty-nine point twenty (479.20) to four hundred seventy-nine point  
87 thirty-one (479.31), inclusive.”

88 6. “Unless the Iowa public service commission otherwise  
89 orders, no public utility shall make any change in any rate  
90 which has been duly established under this Act, except after  
91 thirty (30) days’ notice to the commission, which notice shall  
92 plainly state the changes proposed to be made in the rates then  
93 in force and the time when the changed rates will go into effect.  
94 The public utility shall also give notice of the proposed changes  
95 to other interested persons as the commission in its discretion  
96 may direct. Any public utility may commence proceedings for a  
97 change in rates by filing an application requesting the commis-  
98 sion to fix fair and reasonable rates, or by filing specific  
99 rate schedule or tariffs. Said proposed schedules of increased  
100 rates may conclude with a request by the application that, if the  
101 requested increase or increases are not granted in their entire-  
102 ty, the commission grant such increase or increases as it may  
103 deem to be just and adequate under the circumstances, and the  
104 commission is authorized and empowered so to do. The commis-  
105 sion, when advised in writing by a utility that an emergency  
106 exists, shall forthwith approve immediate changes in rates,  
107 whether said commission was previously given said thirty (30)  
108 days’ notice of intention to change the same or otherwise.  
109 In such instances it may grant such approval subject to a con-  
110 dition of impounding the proceeds or a part of the proceeds or  
111 none of the same as it may prescribe. All such rate changes  
112 shall be immediately indicated upon its schedules by such pub-

113 lic utility.”

114 7. “Whenever there is filed with the commission by any  
115 public utility any schedule stating a new rate or rates, the  
116 commission may, either upon complaint as provided herein or  
117 upon its own motion, upon reasonable notice, enter upon a hear-  
118 ing or a rehearing concerning the lawfulness of such rate or  
119 rates all in the manner provided in sections four hundred  
120 seventy-four point eighteen (474.18), to four hundred seventy-  
121 four point twenty-one (474.21), inclusive. As a result of  
122 such hearing the commission may make necessary and appropri-  
123 ate findings and either temporary or permanent rulings, or-  
124 ders, and regulations concerning the rate or rates which shall  
125 be charged and collected by said public utility. In no case  
126 shall a request for an increase of rates be suspended more  
127 than one hundred twenty (120) days from the date of filing  
128 the proposal for an increase unless within said period, af-  
129 ter full hearing, the requested increase shall have been  
130 found to be unjustified and denied by a final order. In any  
131 other case, the said increase of rates shall become effective  
132 subject to an order that all, or any parts of the proceeds  
133 thereof shall be impounded by the commission subject to such  
134 conditions as it shall impose. Any party aggrieved by any  
135 such ruling, order, or regulation shall be entitled to apply  
136 in writing within twenty (20) days for a rehearing setting  
137 forth in full the ground or grounds on which the applicant  
138 contends such decision shall be deemed unlawful or unreason-  
139 able.”

140 8. “Nothing in this Act shall be taken to prohibit a  
141 public utility from establishing a sliding scale of charges

142 or from entering into and making charges in accordance with  
143 the terms of an agreement for a fixed period for the auto-  
144 matic adjustment of charges, for public utility service, in  
145 relation to the dividends to be paid to stockholders of such  
146 public utility, or the profit to be realized or expense of op-  
147 eration or other equitable or reasonable basis for such adjust-  
148 ment; provided that a schedule showing the scale of charges  
149 under such arrangement is first filed with the commission and  
150 such schedule and each rate set out therein approved by it.  
151 Nothing in this section shall prevent the commission from re-  
152 voking its approval at any time and fixing other rates and  
153 charges for the product or commodity or service if, after rea-  
154 sonable notice and hearing, the commission finds the existing  
155 rates or charges unjust, unreasonable, insufficient, or dis-  
156 criminatory.”

157 9. “The commission shall have power to ascertain the  
158 value of the property of every public utility in this state  
159 and every fact which in its judgment at the time of valuation  
160 may or does have any bearing on such value. In all proceed-  
161 ings before the commission, initiated by the commission upon  
162 its own motion or initiated by an application of such public  
163 utility, in which the then value of the property of any pub-  
164 lic utility or utilities is an issue, the burden of estab-  
165 lishing such value shall be upon such public utility or utili-  
166 ties. In making such valuation the commission may avail it-  
167 self of any information, books, documents, or records in the  
168 possession of any officer, department, or board of the state  
169 or any subdivision thereof. The commission shall have the  
170 power to make revaluation from time to time and also to as-

171 certain the value of all new construction, extensions, and  
172 additions to the property of every public utility.”

1 Sec. 15. Section four hundred seventy-four point twenty-  
2 two (474.22), Code 1958, is hereby repealed and the following  
3 is substituted in lieu thereof: “Complaint may be made by the  
4 Iowa public service commission, of its own motion, or by any  
5 person, corporation, chamber of commerce, board of trade, in-  
6 dustrial, commercial, mercantile, agricultural, or manufac-  
7 turing society, or any body politic or municipal corporation  
8 by petition or complaint in writing setting forth any act or  
9 things done or omitted to be done in violation, or claimed to  
10 be in violation, of any provision of this Act, or of any order  
11 or rule of the commission. In the discretion of the commission,  
12 matters presented by one (1) complaint may be ordered separated,  
13 and matters upon which complaint may be founded may be joined.  
14 No action shall be sustained to a separation merely because  
15 the matters separated are under the ownership, control, or  
16 management of the same persons or corporations. No complaint  
17 shall be dismissed because of the absence of direct damage to  
18 the complainant.

19 “Upon the filing of a complaint the commission, if it deems  
20 a hearing to be necessary, shall cause a copy thereof to be  
21 served upon the person or corporation complained of which shall  
22 be accompanied by a notice requiring that the complaint be sat-  
23 isfied and answered within a reasonable time to be specified by  
24 the commission, or within the discretion of the commission, by  
25 a notice fixing a time when and place where a hearing will be  
26 had upon such complaint. Notice of the time and place shall  
27 also be given to the complainant and to such persons as

28 the commission shall deem necessary.

29 "The time fixed for such hearing shall not be less than  
30 ten (10) days after the date of the service of such notice and  
31 complaint except as herein provided. Service in all hearings,  
32 investigations, and proceedings before the commission may be  
33 made upon any person whom a summons may be served in ac-  
34 cordance with the provisions of the rules of civil procedure  
35 and may be made personally or by mailing same in the United  
36 States mail in a sealed envelope with postage prepaid. The  
37 provisions of this section as to notice shall apply to all  
38 hearings held by the commission or under its authority; pro-  
39 vided that service of complaints, and service of notice fix-  
40 ing the time and place of the initial hearing in each pro-  
41 ceeding, shall be made by certified mail.

42 "Any public utility shall have a right to complain on any  
43 of the grounds upon which complaints are allowed to be filed  
44 by other parties, and the same procedure shall be adopted and  
45 followed as in other cases.

46 "All cities shall have power to appear as complainants  
47 or to make application before the Iowa public service commis-  
48 sion for an inquiry, investigation, or hearing relating to the  
49 rates or other charges or services of public utilities within  
50 such city; and in case of any inquiry, investigation, or hear-  
51 ing by or before the Iowa public service commission on any mat-  
52 ter relating to the rates or other charges or services within  
53 any city, the city shall receive written notice not less than  
54 ten (10) days before such inquiry, investigation, or hearing,  
55 and shall be entitled to appear and present evidence relating  
56 to the subject matter of such inquiry, investigation, or hear-

57 ing. Such notice shall be served upon the city clerk, and  
58 upon the city attorney or head of the law departments of the  
59 city.”

1     Sec. 16. Section four hundred seventy-four point twenty-  
2 four (474.24), Code 1958, is hereby amended by inserting after  
3 the word “railroads” in line six (6) thereof the words “and  
4 other public utilities” and inserting after the word “railway”  
5 in line ten (10) thereof the words “or other public utility”  
6 and by striking from line eleven (11) the words “corporation,  
7 or other person operating a line of road” and inserting after  
8 the word “railroad” in line fourteen (14) the words “or other  
9 public utility” and by striking from line fifteen (15) the  
10 words “or person” and by striking from line nine (9) the word  
11 “commerce” and inserting in lieu thereof the words “public  
12 service commission general”.

1     Sec. 17. Section four hundred seventy-four point twenty-  
2 five (474.25), Code 1958, is hereby amended by striking from  
3 line ten (10) thereof the word “company” and by inserting af-  
4 ter the word “railway” in line ten (10) thereof the words “or  
5 other public utility” and inserting after the word “railroad”  
6 in line fifteen (15) thereof the words “or other public util-  
7 ity or” and by striking from line sixteen (16) thereof the  
8 words “company or person” and by striking from lines nineteen  
9 (19) and twenty (20) the words “company, persons,” and insert-  
10 ing in lieu thereof the words “public utility and its”.

1     Sec. 18. Section four hundred seventy-four point twenty-  
2 six (474.26), Code 1958, is hereby amended by striking from  
3 line three (3) thereof the word “commerce” and inserting in  
4 lieu thereof the words “public service” and by inserting in

5 line five (5) thereof after the word "railroads" the words  
6 "or other public utilities" and in line eight (8) thereof  
7 after the word "railroad" the words "or other public utility".

1 Sec. 19. Section four hundred seventy-four point twenty-  
2 seven (474.27), Code 1958, is hereby amended by inserting af-  
3 ter the word "thereof" in line six (6) the words "under sec-  
4 tion four hundred seventy-four point twenty-eight (474.28)",  
5 and by inserting after the word "railroad" in line seven (7)  
6 thereof the words "or other public utility".

1 Sec. 20. Section four hundred seventy-four point twenty-  
2 eight (474.28), Code 1958, is hereby amended by inserting in  
3 line two (2) thereof after the word "railroad" the words  
4 ", other public utility, or other person", by striking all of  
5 said section following the word "trial" in line six (6) there-  
6 of and inserting in lieu thereof the words ", to be unreason-  
7 able, inequitable, or unjust, such rule, order, or regulation  
8 shall be vacated by order of court and any and all penalties  
9 assessed as aforesaid set aside." and by adding an additional  
10 paragraph at the end thereof to read as follows: "The penden-  
11 cy of such proceedings shall not of itself stay or suspend the  
12 operation of the order or decision of the commission, but dur-  
13 ing the pendency of the same, the court may in its discretion  
14 stay or suspend, in whole or in part, the operation of the com-  
15 mission's order or decision. Such suspension or stay may be  
16 ordered only after three (3) days' notice to adversary parties  
17 and the court may in its discretion require impounding of all  
18 or part of any funds collected thereunder. All of such funds  
19 received by any public utility interested or concerned, and not  
20 impounded, shall be protected by a bond payable to the state of

21 Iowa in such amount and of such nature as may be approved by  
22 the court. All of said funds shall be later disbursed to the  
23 utility company or companies or to patrons as their interests  
24 may appear and as may be ordered by court. All funds not claimed  
25 by entitled parties within six (6) months after the date of such  
26 disbursing order shall become the property of the state of Iowa.”

1 Sec. 21. Chapter four hundred seventy-four (474), Code  
2 1958, is hereby amended by adding a new section as follows: “In  
3 all actions and proceedings arising under the provisions of this  
4 Act or growing out of the authority and powers herein granted to  
5 the Iowa public service commission, the burden of proof shall be  
6 on the party seeking to have vacated an order of said commission  
7 to show that the same is unreasonable, discriminatory, or other-  
8 wise unlawful.”

1 Sec. 22. Section four hundred seventy-four point twenty-  
2 nine (474.29), Code 1958, is hereby amended by inserting after  
3 the word “carrier” in line two (2) thereof the words “or other  
4 public utility”.

1 Sec. 23. Section four hundred seventy-four point thirty  
2 (474.30), Code 1958, is hereby amended by inserting after the  
3 word “railroad” in line two (2) thereof the words “or other  
4 public utility” and by striking from lines two (2) and three  
5 (3) the words “company or person”.

1 Sec. 24. Chapter four hundred seventy-four (474), Code  
2 1958, is hereby amended by adding a new section as follows:  
3 “Neither this Act nor any provision hereof shall apply or be  
4 construed to apply to commerce with foreign nations or commerce  
5 among the several states of this union, except in so far as the  
6 same may be permitted under the provisions of the Constitution

7 of the United States and the Acts of Congress.”

1 Sec. 25. Section four hundred seventy-four point thirty-  
2 six (474.36), Code 1958, is hereby amended by inserting in  
3 line three (3) thereof after the word “carrier” the words “or  
4 other public utility” and in line eight (8) thereof after the  
5 word “carrier” the words “or other public utility” and in line  
6 thirteen (13) thereof after the word “carrier” the words “or  
7 other public utility”.

1 Sec. 26. Section four hundred seventy-four point thirty-  
2 seven (474.37), Code 1958, is hereby amended by inserting af-  
3 ter the word “carrier” in line one (1) thereof the words “or  
4 other public utility” and inserting after the word “carrier”  
5 in line five (5) thereof the words “or other public utility”  
6 and inserting after the word “through” in line six (6) there-  
7 of the words “or in” and inserting after the word “carrier”  
8 in line seven (7) thereof the words “or other public utility”  
9 and striking the words “a line of railroad” in line seven (7)  
10 thereof and inserting in their place the words “real or per-  
11 sonal property or equipment” and inserting after the word  
12 “carrier” in line twelve (12) thereof the words “or other  
13 public utility”.

1 Sec. 27. Section four hundred seventy-four point forty-  
2 one (474.41), Code 1958, is hereby amended by inserting in  
3 line three (3) thereof after the word “carrier” the words “or  
4 other public utility” and in line nine (9) thereof after the  
5 word “carrier” the words “or other public utility or” and in  
6 line nine (9) thereof after the word “agent” the word “thereof”.

1 Sec. 28. Section four hundred seventy-four point forty-  
2 three (474.43), Code 1958, is hereby amended by inserting after

3 the word "carrier" in line three (3) thereof the words "or  
4 other public utility" and inserting after the word "carrier"  
5 in line six (6) thereof the words "or other public utility"  
6 and striking the words "line of railway" in line eight (8)  
7 thereof and inserting in their place the words "real or per-  
8 sonal property or equipment" and inserting after the word  
9 "carrier" in line nine (9) thereof the words "or other public  
10 utility" and inserting after the word "may" in line nine (9)  
11 thereof the words "be situated or" and by striking from line  
12 eleven (11) the word "commerce" and inserting in lieu thereof  
13 the words "public service commission general".

1 Sec. 29. Section four hundred seventy-four point fifty  
2 (474.50), Code 1958, is hereby amended by inserting in line  
3 three (3) thereof after the word "carriers" the words "and  
4 other public utilities" and striking in line three (3) thereof  
5 the words "subject to the provisions of chapter 479".

1 Sec. 30. Section four hundred seventy-four point fifty-  
2 one (474.51), Code 1958, is hereby repealed and the following  
3 is substituted in lieu thereof:

4 "The commission may establish a system of accounts to be  
5 kept by the public utilities, subject to its jurisdiction, or  
6 may classify said public utilities and establish a system of  
7 accounts for each class, and may prescribe the manner in which  
8 such accounts shall be kept; provided, however, that if a pub-  
9 lic utility is required to establish an accounting system by  
10 an appropriate federal regulatory agency, that system of ac-  
11 counting shall be accepted by the commission for that utility  
12 unless the commission shall find that the same is inadequate  
13 or otherwise unsatisfactory in which case it shall have power

14 to order such changes or additional accounts or entries as it  
15 shall deem desirable to attain the policies and objectives of  
16 this Act.”

1 Sec. 31. Section four hundred seventy-four point fifty-  
2 two (474.52), Code 1958, is hereby amended by inserting in  
3 line three (3) thereof after the word “railway” the words “or  
4 other public utility”.

1 Sec. 32. Section four hundred seventy-four point fifty-  
2 three (474.53), Code 1958, is hereby amended by inserting in  
3 line seven (7) thereof after the word “transportation” the  
4 words “and other public utilities”, by inserting in line  
5 twelve (12) thereof after the word “railroad” the words “or  
6 other public utility”, by striking the word “road” in subsec-  
7 tion five (5) line two (2) thereof, by striking the words “in-  
8 cluding permanent way, buildings, and rolling stock” in sub-  
9 section five (5) lines two (2) and three (3) thereof and in-  
10 serting in their place the words “personal property”, by in-  
11 serting in line four (4) of subsection five (5) thereof after  
12 the word “road” the words “or other public utility”, by strik-  
13 ing the words “the road” in subsection ten (10) line one (1)  
14 thereof and inserting in lieu thereof the words “its property”  
15 and striking the word “transportation” in subsection ten (10)  
16 in line two (2) thereof, by striking the word “road” in sub-  
17 section eleven (11) in line two (2) thereof and substituting  
18 in lieu thereof the word “railroad”, and by striking the word  
19 “transportation” in lines three (3) and four (4) of the para-  
20 graph following subsection eleven (11) thereof.

1 Sec. 33. Section four hundred seventy-five point seven  
2 (475.7), Code 1958, is hereby amended by inserting in line

3 one (1) thereof after the word "counsel" the words "when and  
4 as directed by the chairman of the said commission, or by a  
5 majority vote of the same in any case of difference of opinion",  
6 by striking the words "state commerce commission" from subsec-  
7 tion one (1) line two (2) thereof and inserting in lieu there-  
8 of the words "public service commission", by inserting in sub-  
9 section two (2) line three (3) thereof after the word "car-  
10 riers" the words "and other public utilities", by inserting  
11 in subsection two (2) line seven (7) thereof after the word  
12 "carrier" the words "or other public utility", by inserting  
13 in subsection three (3) line three (3) thereof after the word  
14 "carriers" the words "and other public utilities", by striking  
15 from subsection three (3) lines three (3) and four (4) thereof  
16 the words "in interstate transportation", by inserting in sub-  
17 section four (4) line three (3) thereof after the word "car-  
18 riers" the words "or other public utility", by inserting in  
19 subsection five (5) line five (5) thereof after the word "car-  
20 rier" the words "or other public utility", by striking from  
21 subsection five (5) lines five (5) and six (6) thereof the  
22 words "before the interstate commerce commission".

1 Sec. 34. Section three hundred eighty-six point one  
2 (386.1), Code 1958, is hereby amended by inserting in line  
3 two (2) thereof after the word "power" the words "subject  
4 to the supervision of the Iowa public service commission",  
5 by striking from line two (2) thereof the words "authorize  
6 and", by inserting in line two (2) thereof after the word  
7 "regulate" the words "the location of all water and gas and  
8 electric conduit pipes", by inserting in line four (4) there-  
9 of after the word "railway," the words "motor bus routes",

10 and by inserting in line seven (7) thereof after the word "be"  
11 the words "operated on,".

1 Sec. 36. Section four hundred eighty-four point eleven  
2 (484.11), Code 1958, is hereby amended by inserting the words  
3 "and subject to the supervision of the Iowa public service  
4 commission" following the word "law" in line three (3) thereof  
5 and by striking the last sentence thereof.

1 Sec. 37. Section three hundred twenty-five point one  
2 (325.1), subsection four (4), Code 1958, is hereby amended by  
3 striking the words "state commerce commission" in line two (2)  
4 thereof and inserting in lieu thereof the words "public ser-  
5 vice commission".

1 Sec. 38. Section four hundred seventy-one point six  
2 (471.6), Code 1958, is repealed and the following substi-  
3 tuted in lieu thereof: "Any railway or other public utility  
4 may acquire by condemnation or otherwise so much real estate  
5 or such interest therein as may be necessary for the location,  
6 construction, and convenient use of tracks, poles, towers,  
7 fixtures, wires, pipelines, generating stations, substations,  
8 and all other utility facilities and business properties.  
9 Such acquisition may carry and include the right to use for  
10 the construction and repair of all such properties any earth,  
11 gravel, stone, timber, or other material on or from the land  
12 so taken."

1 Sec. 39. Section four hundred seventy-one point ten  
2 (471.10), Code 1958, is hereby amended by inserting after  
3 the word "section" in line two (2) thereof the following:  
4 "four hundred seventy-one point six (471.6) or".

1 Sec. 40. Chapter four hundred seventy-one (471), Code

2 1958, is hereby amended by inserting at the end of section  
3 four hundred seventy-one point six (471.6) the following para-  
4 graph: "Any railway or other public utility operating electric  
5 transmission or distribution lines, gas pipelines or mains, or  
6 other public utility facilities along or across lands owned by  
7 persons other than said railway or other public utility shall  
8 have reasonable access to such public utility facilities for  
9 the purpose of constructing, reconstructing, enlarging, repair-  
10 ing, or locating the poles, wires, pipelines, mains, or other  
11 equipment or devices used in or upon or as part of such public  
12 utility facilities, but shall pay to the owner of such lands  
13 and all crops thereon all damages to said lands or crops  
14 caused by entering, using, and occupying said lands for said  
15 purposes. Nothing herein contained shall prevent the execu-  
16 tion of an agreement between the person or company owning or  
17 operating such public utility facilities and the owner of said  
18 land or crops with reference to the use thereof."

1 Sec. 41. Section three hundred ninety-seven point two  
2 (397.2), Code 1958, is hereby amended by striking the word  
3 "They" in line one (1) thereof and substituting in lieu there-  
4 of the words "Subject to the approval of the Iowa public ser-  
5 vice commission, they", by inserting after the word "grant"  
6 in line two (2) thereof the words "by council resolution",  
7 by striking out from lines four (4) and five (5) thereof the  
8 words "for a term of not more than twenty-five years", and  
9 by striking out from lines six (6) and seven (7) thereof the  
10 word "franchise" and inserting in lieu thereof the word  
11 "permit".

1 Sec. 42. Section three hundred ninety-seven point six

2 (397.6), Code 1958, is hereby amended by striking from line  
3 three (3) thereof the numerals "397.1" and inserting in lieu  
4 thereof: "three hundred ninety-seven point three (397.3)".

1     Sec. 43. Section three hundred ninety-seven point twenty  
2 (397.20), Code 1958, is hereby repealed and the following sub-  
3 stituted in lieu thereof: "When voters of a number necessary  
4 to constitute a majority of those who voted at the last pre-  
5 ceding general election of any city or town shall have voted  
6 to purchase, establish, erect, maintain, and operate a heating  
7 plant, telephone system, waterworks, gasworks, or electric  
8 light or power plant, and when such voters have so voted to  
9 contract an indebtedness and issue bonds therefor, and in  
10 such city or town there shall then exist any utility, or in-  
11 complete parts thereof, or more than one (1) utility not pub-  
12 licly owned, and the contract or franchise of the owner of  
13 which utility has expired or been surrendered, or the inde-  
14 terminate permit of said owner has been revoked or canceled  
15 for misuser or nonuser by the Iowa public service commission,  
16 and such owner and officers of the city or town cannot agree  
17 upon terms of purchase, the city or town may, by resolution  
18 proceed to acquire by condemnation any one (1) or more of  
19 such utilities or incomplete parts thereof. When they have  
20 been so acquired, said city or town may apply the proceeds  
21 of the bonds in payment therefor and in making extensions  
22 and improvements to such works or plants so acquired, but  
23 not more than one (1) utility may be so acquired when such  
24 city or town is indebted in excess of the statutory limita-  
25 tion of indebtedness for such purposes for any such acquired  
26 property."

1     Sec. 44. 1. No securities shall be issued by any pub-  
2 lic utility either for cash, in exchange for other property,  
3 or as a stock dividend until it shall first have obtained a  
4 certificate authorizing such issue from the Iowa public ser-  
5 vice commission; and the commission shall not authorize the  
6 issuance of securities for any purposes which it determines  
7 are not proper corporate purposes, or in an amount which it  
8 determines is greater than is reasonably necessary for such  
9 corporate purposes, having in view the immediate requirements  
10 of the corporation and its prospective requirements over a  
11 reasonable period in the future and other relevant considera-  
12 tions.

13     The commission may, in its discretion, accept as fulfill-  
14 ment of the requirements of this section evidence that there  
15 exists an order or certification of a duly authorized commis-  
16 sion of the United States or of another state in which the  
17 utility also conducts utility operations which shows that such  
18 commission has investigated the matter and determined that the  
19 issuance of such securities is for proper corporate purposes  
20 and is reasonably necessary for the business of the utility  
21 and that such securities meet the requirements of the federal  
22 statutes or those of such other state.

23     2. All securities issued without a certificate or in  
24 violation of or contrary to the provisions of a certificate  
25 shall be voidable unless subsequently validated by order of  
26 the commission issued on application of a public utility or  
27 on the commission's own motion.

1     Sec. 45. No securities shall be permitted to be issued  
2 by any public utility otherwise than for money, property, or

3 services actually received by it. The amount of money and the  
4 value of the property or the services to be so received shall  
5 be: 1. In case of stock having a par value, not less than the  
6 par value thereof; 2. In case of stock having no par value,  
7 not less than the amount specified in the commission's certifi-  
8 cate of authority as the selling price of or the consideration  
9 to be received for such stock; 3. In case of evidences of  
10 indebtedness not issued for refunding purposes, such consid-  
11 eration as the commission may determine to be reasonable, but  
12 in any event not less than seventy-five (75) percent of their  
13 face value; 4. In case of evidence of indebtedness issued for  
14 refunding purposes, such sum as the commission may determine  
15 to be reasonable. *The limitations of this section shall not*  
16 *apply to the sale of evidences of indebtedness of a public*  
17 *utility by way of enforcement of a pledge of such evidences*  
18 *of indebtedness, made by the utility pursuant to a certifi-*  
19 *cate of authority issued by the commission, as security for*  
20 *lawful indebtedness of the utility; but in all such cases*  
21 *the instrument of pledge shall contain a provision to the*  
22 *effect that none of the pledged securities shall be sold or*  
23 *become the absolute property of the pledgee, either directly*  
24 *or indirectly, except at public sale, notice whereof shall*  
25 *be published once a week for at least three (3) weeks prior*  
26 *thereto in at least one (1) newspaper of general circulation*  
27 *published in the English language in the place where such*  
28 *sale shall take place, and further to the effect that the*  
29 *sale shall not be made below the price fixed therefor by*  
30 *the commission in its certificate authorizing the pledging*  
31 *of such securities or in a subsequent order by the commission*

32 authorizing such sale at a lower price.

1     Sec. 46. 1. Any public utility desiring to issue se-  
2 curities shall file with the commission an application veri-  
3 fied by one (1) of its officers (or by the signers of its  
4 articles of organization if it has not yet elected officers)  
5 setting forth:

6     a. The amount and character of the proposed securities.

7     b. The purposes for which they are issued.

8     c. The terms on which they are to be issued, including  
9 a description and a statement of the value of any property  
10 or services that are to be received in full or partial pay-  
11 ment therefor, and of any property or services already received  
12 by the utility, the cost of which is to be reimbursed to the  
13 utility by the proceeds of such securities, all in such detail  
14 as the commission may prescribe.

15     d. A statement of the assets and liabilities of the  
16 utility as of the most recent available date, together with  
17 such further financial information as the commission may rea-  
18 sonably require.

19     2. In order to determine whether the proposed issue  
20 complies with the provisions of this chapter, the commission  
21 may make such inquiry or investigation, hold such hearings,  
22 and examine such witnesses, books, papers, documents, or  
23 contracts as it may deem material. It shall determine that  
24 the value of any property or services for which the securi-  
25 ties, in whole or in part, are to be issued is not less than  
26 required by the provisions of section forty-nine (49) of  
27 this Act.

28     3. Valuation of franchises. In determining the value of

29 property under this chapter, no corporate franchise and no  
30 franchise nor privilege granted to a public utility shall be  
31 appraised at more than the actual legitimate costs thereof  
32 including all reasonable and lawful expenses incurred in con-  
33 nection therewith.

34 4. The amount of securities of each class which any pub-  
35 lic utility may issue shall bear a reasonable proportion to  
36 each other and to the value of its property, due consideration  
37 being given to the nature of the business of the utility, its  
38 credit and prospects, the possibility that the value of its  
39 property may change from time to time, the effect which such  
40 issue will have upon the management and operation of the util-  
41 ity and in the case of a corporation by reason of the relative  
42 amount of financial interest which the various classes of stock-  
43 holders will have in the corporation, and other considerations  
44 deemed relevant by the commission.

1 Sec. 47. 1. If the commission shall find that the proposed  
2 issue complies with the provisions of this chapter and that  
3 the financial condition, plan of operation, and proposed  
4 undertakings of the utility are not inconsistent with the pub-  
5 lic interest, it shall issue to the utility a certificate of  
6 authority stating:

7 a. The amount of securities and the character of the  
8 same.

9 b. The purposes for which they are to be issued in such  
10 detail as the commission may deem necessary.

11 c. The terms on which they may be sold or otherwise  
12 disposed of which, in the case of securities to be offered  
13 for competitive bidding or through underwriters, may be pre-

14 scribed in the form of minimum acceptable terms, including a  
15 statement or description of the consideration to be received  
16 therefor.

17 The utility shall not issue the securities on any terms  
18 less favorable to it or for any other purposes than those  
19 stated in such certificate. If any portion of the securities  
20 authorized by the certificate are evidences of indebtedness  
21 which are to be pledged to secure lawful obligations of the  
22 applicant, the commission in its certificates shall state  
23 the minimum price at which such securities may be sold in the  
24 event of any enforcement of the pledge. If the purpose of  
25 the issue is, in whole or in part, to provide funds for  
26 properties to be constructed or acquired, the commission may,  
27 if it finds that the public interest so requires, require the  
28 applicant to impound the proceeds of such securities, or fur-  
29 nish suitable bonds to guarantee the completion of such proj-  
30 ect, under such conditions as the commission shall find to be  
31 reasonable and shall specify in the certificate.

32 2. The commission may attach to the issuance of any cer-  
33 tificate under this chapter such relevant terms, conditions,  
34 or requirements as are reasonably necessary to protect the public  
35 interest. Any public utility dissatisfied with any of the terms  
36 or conditions so imposed by the commission in such certificate  
37 of authority shall be limited in its remedy to any action to  
38 modify or set aside the commission order authorizing a certifi-  
39 cate of authority, as provided in section forty-nine (49) of  
40 this Act.

1 Sec. 48. The commission may by provision inserted in its  
2 certificate of authority require issuers to account for the

3 disposition of all securities requiring its approval. If the  
4 securities are issued for money, it may require the issuer to  
5 report the price at which the securities were issued, the amount  
6 of securities so issued, and the amount of cash which has been  
7 received; if they are issued for the refunding or discharge of  
8 securities or other indebtedness it may require the issuer to  
9 report the amount of securities issued for such purpose, the  
10 price at which issued, and the amount, market value, and nature  
11 of securities or other indebtedness refunded or discharged by  
12 such issuance; if they are issued for the acquisition of proper-  
13 ty or services it may require the issuer to report the amount of  
14 securities issued for such purpose, the price at which issued,  
15 and information regarding the character and value of the property  
16 or services for which such securities were issued.

1 Sec. 49. Any public utility which is dissatisfied with any  
2 order, determination, or denial made by the commission under the  
3 provisions of this chapter may commence and prosecute an action  
4 in the district court for any county in which the public utility  
5 operates against the commission to vacate, modify, or set aside  
6 said order, determination, or denial on the ground that the same  
7 is unreasonable or unlawful.

1 Sec. 50. 1. Any public utility, or any agent, director, or  
2 officer thereof, who shall knowingly, directly or indirectly,  
3 issue or cause to be issued contrary to the provisions of this  
4 chapter any securities for whose issuance a certificate is re-  
5 quired or who shall knowingly apply the proceeds from the sale  
6 thereof to any purpose other than those specified in the certif-  
7 icate of the commission shall be subject to prosecution for such  
8 conduct and may be fined not less than five hundred dollars

9 (\$500.00) nor more than ten thousand dollars (\$10,000.00) for  
10 each offense.

11 2. Every director, president, secretary, or other official  
12 or agent of any public utility who shall practice fraud or know-  
13 ingly make any false statement to secure a certificate of author-  
14 ity to issue any security, or issue under a certificate so ob-  
15 tained and with knowledge of such fraud, or false statement, or  
16 negotiate, or cause to be negotiated, any security in violation  
17 of this chapter shall be subject to prosecution and a fine of  
18 not less than five hundred dollars (\$500.00) or by imprisonment in  
19 the state prison not less than one (1) nor more than ten (10)  
20 years, or by both fine and imprisonment.

1 Sec. 51. 1. Each public utility on filing an application  
2 for authority to issue any securities to which this chapter is  
3 applicable, excluding bonds or notes issued for the purpose of  
4 modifying, refunding, or discharging outstanding bonds or notes  
5 and also excluding stock or money and property in Iowa for which  
6 fees are required to be paid under the provisions of chapter four  
7 hundred ninety-one (491) or four hundred ninety-four (494) of  
8 the Iowa Code, shall pay with such application, prior to the  
9 issuance of a certificate, a fee of fifty cents (\$.50) for each  
10 one thousand dollars (\$1,000.00) par value of each authorized  
11 issue of securities up to one million dollars (\$1,000,000.00) of  
12 securities; for all securities issued in excess of said amount up  
13 to ten million dollars (\$10,000,000.00), said utilities shall pay  
14 twenty-five cents (\$.25) per one thousand dollars (\$1,000.00);  
15 and for issues in excess of ten million dollars (\$10,000,000.00),  
16 they shall pay ten cents (\$.10) per one thousand dollars  
17 (\$1,000.00), provided that in the case of a public utility opera-

18 ting in states other than Iowa such fee shall abate in the same  
19 proportion as such public utility's property outside Iowa shall  
20 bear to its property everywhere, but they shall not in any case  
21 pay less than ten dollars (\$10.00) for any issue. If any such  
22 securities shall have no par value, the price at which said secur-  
23 ities are issued or sold shall be deemed the par value for the  
24 purpose of computing the fee payable under this section. No fee  
25 shall be payable for the issuance of a certificate of authority  
26 permitting a modification or division of an existing security  
27 where a modified or divided security is to be issued to existing  
28 security holders of a public utility without the payment of  
29 additional funds to the utility.

30 2. Whenever the commission deems it necessary to make an  
31 investigation of the books, accounts, and practices or to make an  
32 appraisal of the property of any public utility which has filed  
33 an application for authority to issue any securities to which  
34 this chapter is applicable such public utility shall pay all  
35 expenses reasonably attributable to such special investigation or  
36 to such an appraisal of the property.

1 Sec. 52. Section five hundred two point four (502.4), Code  
2 1958, is amended by adding thereto a new subsection as follows:  
3 "Any and all securities authorized to be issued by and under  
4 any certificate, permit, approval, or order of the Iowa public  
5 service commission."

1 Sec. 53. 1. Whenever the commission in a proceeding upon  
2 its own motion, on complaint, or upon an application to it shall  
3 deem it necessary in order to carry out the duties imposed upon  
4 it by law to investigate the books, accounts, practices, and  
5 activities of, or make appraisals of the property of any public

6 utility, or to render any engineering or accounting services to  
7 any public utility, such public utility shall pay the expenses  
8 reasonably attributable to such investigation, appraisal, or  
9 service. The commission shall ascertain such expenses, and shall  
10 render a bill therefor, by certified mail, to the public utility,  
11 either at the conclusion of the investigation, appraisal, or  
12 services, or from time to time during its progress, which bill  
13 shall constitute notice of said assessment and demand payment  
14 thereof. Upon such a bill's being so rendered such public  
15 utility shall, within fifteen (15) days after the mailing thereof  
16 pay to the treasurer of state the amount of the special expense  
17 for which it is billed, and such payment when made shall be  
18 credited to the commission. The total amount for which, in any  
19 one (1) calendar year, any public utility shall become liable, by  
20 reason of costs incurred by the commission within such calendar  
21 year including fees for authority to issue securities and expense  
22 charges in relation thereto shall not exceed three-fifths (3/5)  
23 of one (1) percent of its gross operating revenues derived from  
24 intra-state operations in the last preceding calendar year.  
25 Where, pursuant to this subsection, costs are incurred within any  
26 calendar year which are in excess of three-fifths (3/5) of one (1)  
27 percent of such gross operating revenues, the excess costs shall  
28 not be chargeable as part of the remainder under subsection  
29 two (2) of this section but shall be paid out of the general  
30 appropriation to the public service commission. Nothing herein  
31 contained shall prevent the commission from rendering bills in  
32 one (1) calendar year for costs incurred within a previous year.

33 2. The commission shall annually, within ninety (90) days  
34 after the close of each fiscal year, ascertain the total of its

35 expenditures during each year, excluding the total sum necessary  
36 to pay the salaries of the commissioners but including all other  
37 expenses which are reasonably attributable to the performance of  
38 its duties and shall deduct therefrom all amounts chargeable  
39 directly to any specific utility company under any law. The re-  
40 mainder shall be assessed by the commission to the several public  
41 utilities in proportion to their respective gross operating  
42 revenues during the last calendar year derived from intrastate  
43 operations. Such assessments shall be paid to the treasurer of  
44 state within fifteen (15) days after bills have been mailed, by  
45 certified mail, to the several public utilities, which bills  
46 shall constitute notices of said assessments and demands of pay-  
47 ments thereof. Duplicates of all such bills shall at the same  
48 time of said mailing be transmitted in certified form to the  
49 treasurer of state. When paid, the entire amount of said assess-  
50 ments shall be forthwith credited by the treasurer of state to  
51 the general appropriation or funds in any way currently avail-  
52 able to the Iowa public service commission and shall be subject  
53 to disbursement upon warrants duly issued on behalf of said  
54 commission. The total amount which may be assessed to the public  
55 utilities under authority of this subsection shall not exceed  
56 one-fifth (1/5) of one (1) percent of the total gross operating  
57 revenues of such public utilities during such calendar year de-  
58 rived from intrastate operations.

59 3. If any public utility against which a bill has been  
60 rendered either under subsection one (1) or subsection two (2) of  
61 this section, within fifteen (15) days after the rendering of  
62 such bill, shall (a) neglect or refuse to pay the same or (b)  
63 fail to file objections to said bill with said commission, as

64 provided hereinafter, it shall be the duty of the public service  
65 commission forthwith to transmit to the treasurer of state a  
66 notice of said utility's neglect or refusal to pay said bill,  
67 and on the same day said commission shall mail by registered  
68 mail to the public utility against which said bill has been  
69 rendered a copy of the notice transmitted to the treasurer of  
70 state. Within ten (10) days after the receipt of such notice  
71 and certified copy of such bill, the treasurer of state shall  
72 proceed forthwith to levy the amount stated on such bill to be  
73 due, with interest, by distress, and sale of any goods and  
74 chattels, including stocks, securities, bank accounts, evidences  
75 of debt, and accounts receivable belonging to such delinquent  
76 public utility. Such levy by distress and sale shall be governed  
77 by the provisions of chapter four hundred forty-six (446) except  
78 that it shall be made by the treasurer of state and that said  
79 goods and chattels anywhere within the state may be levied upon.

80 4. a. Within fifteen (15) days after the date of the  
81 mailing of any bill as provided by subsections one (1) and two  
82 (2) of this section, the public utility against which such bill  
83 has been rendered may file with the public service commission  
84 objections setting out in detail the grounds upon which said  
85 objector regards said bill to be excessive, erroneous, unlawful,  
86 or invalid. The commission, after notice to the objector, shall  
87 proceed forthwith to hold a hearing upon such objections, not  
88 less than five (5) nor more than ten (10) days after such notice.  
89 If after such hearing the commission finds any part of said bill  
90 to be excessive, erroneous, unlawful, or invalid it shall record  
91 its findings upon its minutes and transmit to the objector by  
92 certified mail an amended bill, in accordance with such findings

93 and so certify to the treasurer of state. Such amended bill  
94 shall have in all ways the same force and effect under this sub-  
95 section as an original bill rendered under subsections one (1)  
96 and two (2).

97 b. If after such hearing the commission finds the entire  
98 bill unlawful or invalid it shall notify the objector by certi-  
99 fied mail of such determination and so certify to the treasurer  
100 of state. In such case said original bill shall be deemed null  
101 and void.

102 c. If after such hearing the commission finds that the  
103 bill as rendered is neither excessive, erroneous, unlawful, nor  
104 invalid, in whole or in part, it shall record such findings  
105 upon its minutes, transmit to the objector by certified mail  
106 notice of such findings, and so notify the treasurer of state.

107 d. If any bill against which objections have been filed  
108 shall not be paid within ten (10) days after notice of a finding  
109 that such objections have been overruled and disallowed by the  
110 commission has been mailed to the objector as herein provided,  
111 the treasurer of state shall proceed to collect the amount of  
112 said bill as provided in subsection three (3) of this section.  
113 If an amended bill is not paid within ten (10) days after a copy  
114 thereof is mailed to the objector by certified mail, the treasur-  
115 er of state shall then proceed to collect the amount of said  
116 bill as provided in the case of an original bill.

117 5. No suit or proceeding shall be maintained in any court  
118 for the purpose of restraining or in any wise delaying the  
119 collection or payment of any bill rendered under subsections  
120 one (1) and two (2) of this section. Every public utility  
121 against which a bill is rendered shall pay the amount thereof

122 and after such payment may in the manner herein provided, at  
123 any time within two (2) years from the date the payment was  
124 made, sue the state in an action at law to recover the amount  
125 paid with legal interest thereon from the date of payment upon  
126 the ground that said assessment was excessive, erroneous, unlaw-  
127 ful, or invalid, in whole or in part. If it is finally deter-  
128 mined in such action that any part of the bill for which payment  
129 was made was excessive, erroneous, unlawful, or invalid, the  
130 treasurer of state shall make a refund to the claimant as  
131 directed by the court, which shall be charged to the appropria-  
132 tions for the public service commission.

133 6. No action for recovery of any amount paid pursuant to  
134 this section shall be maintained in any court unless objections  
135 have been filed with the commission as herein provided. In any  
136 action for recovery of any payments made under this section the  
137 claimant shall be entitled to raise every relevant issue of  
138 law, but the commission's findings of fact made pursuant to this  
139 section shall be prima-facie evidence of the facts therein  
140 stated.

141 7. The following shall be deemed to be findings of fact of  
142 the commission, within the meaning of this section:

143 a. Determination of fact expressed in bills rendered pur-  
144 suant to this section.

145 b. Determinations of fact set out in those minutes of the  
146 commission which record the action of the commission in passing  
147 upon said bills, and in passing upon objections thereto.

148 8. The provisions of this chapter for judicial review of  
149 orders and determinations of the public service commission shall  
150 not be applicable to any findings, determinations, bills, or

151 assessments made under this section. The procedure by the  
152 section providing for determining the lawfulness of bills and  
153 recovery of payments made pursuant to such bills shall be exclu-  
154 sive of all other remedies and procedures.

155 9. If any subsection of this section or any part thereof  
156 or the application thereof to any person or circumstances be  
157 held invalid, neither the validity of the remainder of the Act  
158 nor that of any other clause, sentence, or provision of this  
159 section or the application thereof to other persons or circum-  
160 stances shall be affected thereby, inasmuch as the general  
161 assembly hereby declares that the provisions of such subsection  
162 are desirable and feasible even though it may be held that other  
163 subsections or any part thereof are invalid.

1 Sec. 54. Section three hundred nineteen point one (319.1),  
2 Code 1958, is hereby amended by adding a new sentence at the end  
3 thereof as follows: "Poles, wires, pipes, and other properties  
4 of public utility companies shall be deemed not to be within  
5 said jurisdictions when located, placed, or in the process of  
6 being placed in any highway pursuant to legislative authority, or  
7 a permit, a certificate, or a franchise issued by the Iowa public  
8 service commission."

9 Section three hundred nineteen point two (319.2), Code 1958,  
10 is hereby amended by striking from lines one (1) and two (2)  
11 thereof the words "Poles used for telephone, telegraph, or other  
12 transmission purposes" and inserting in lieu thereof the words  
13 "Fixed obstructions" and by striking from line five (5) thereof  
14 the words "operating such lines" and inserting in lieu thereof  
15 the words "maintaining the same."

1 Sec. 55. All of the following sections of Code 1958 are

2 hereby amended by striking therefrom the words "state commerce  
3 commission" and inserting in lieu thereof the words "public  
4 service commission": Sections three hundred eighty-nine point  
5 forty-one (389.41) lines eleven (11) and twelve (12); three  
6 hundred eighty-nine point forty-two (389.42) line two (2) and  
7 line three (3); four hundred seventy-four point seventeen (474.  
8 17) line two (2); four hundred seventyfour point thirty-one  
9 (474.31) lines eighteen (18) and nineteen (19); four hundred  
10 seventy-four point thirty-two (474.32) lines nine (9) and  
11 ten (10) and lines fourteen (14) and fifteen (15); four hundred  
12 seventy-four point thirty-three (474.33) line five (5); four  
13 hundred seventy-four point forty-six (474.46) line six (6); four  
14 hundred seventy-five point one (475.1) lines three (3) and four  
15 (4); four hundred seventy-five point six (475.6) line ten (10);  
16 four hundred seventy-five point seven (475.7) subsection one (1)  
17 line two (2); and four hundred eighty-four point sixteen (484.16)  
18 line nine (9); and four hundred eighty-four point twenty-three  
19 (484.23) line five (5); and the following sections of Code 1958  
20 are hereby amended by striking therefrom the words "state commerce  
21 commissioner" and inserting in lieu thereof the words "public  
22 service commissioner": Sections sixty-four point six (64.6)  
23 subsection six (6) line two (2) and line three (3); and four  
24 hundred seventy-five point three (475.3) line three (3); and  
25 the code editor is authorized and directed to make all other  
26 changes in the Iowa Code necessary to bring other parts of its  
27 language into harmony with the foregoing including all of chap-  
28 ters four hundred seventy-six (476), four hundred seventy-seven  
29 (477), four hundred seventy-eight (478), four hundred seventy-  
30 nine (479), four hundred eighty (480), four hundred eighty-one

31 (481), four hundred eighty-two (482), four hundred eighty-three  
32 (483), four hundred eighty-four (484), four hundred eighty-five  
33 (485), four hundred eighty-six (486), four hundred eighty-seven  
34 (487), four hundred eighty-eight (488), and four hundred ninety  
35 (490), but not excluding any other chapters or parts of chapters  
36 of said Code.

37 Section three hundred seventy-two point fourteen (372.14),  
38 Code 1958, is hereby amended by striking the final sentence  
39 thereof.

40 Chapter four hundred seventy-five (475), Code 1958, is here-  
41 by amended by striking therefrom wherever they may appear the  
42 words "commerce counsel" and inserting in lieu thereof the words  
43 "public service commission general counsel." Such striking and  
44 substitution shall affect all parts of the Code which make refer-  
45 ence or cross reference to said chapter as well as the following  
46 parts of the same, to wit: Sections four hundred seventy-five  
47 point one (475.1), lines five (5) and six (6); four hundred  
48 seventy-five point four (475.4) lines one (1) and two (2); four  
49 hundred and seventy-five point six (475.6) lines two (2) and  
50 five (5) and four hundred seventy-five point seven (475.7) line  
51 one (1).

52 The following sections, Code 1958, shall be likewise  
53 amended: Four hundred seventy-four point thirty-nine (474.39),  
54 Code 1958, lines three (3) and six (6) and four hundred seventy-  
55 four point forty-three (474.43) line eleven (11) and the code  
56 editor is authorized and directed to make all other changes in  
57 the Iowa Code necessary to bring all other parts of its language  
58 into harmony with the foregoing.

1 Sec. 56. The following sections, Code 1958, are hereby

2 repealed: Sections three hundred twenty point four (320.4) to  
3 three hundred twenty point eight (320.8), inclusive; three hun-  
4 dred seventy point twenty-three (370.23); three hundred eighty-  
5 six point three (386.3); three hundred eighty-six point four  
6 (386.4); three hundred eighty-six point five (386.5); three  
7 hundred eighty-six point six (386.6); three hundred eighty-six  
8 point seven (386.7); four hundred seventy-four point nine (474.9);  
9 four hundred seventy-nine point ninety-four (479.94) subsection  
10 one (1) and all of chapter four hundred eighty-nine (489). In  
11 addition, all laws or parts of laws which may be verbally incon-  
12 sistent herewith are hereby amended so as to be consistent, and  
13 all laws in conflict herewith are repealed.

1 Sec. 57. If any part of this Act is decided to be unconsti-  
2 tutional and void, such decision shall not affect the validity of  
3 the remaining parts of this Act unless the part held void is  
4 indispensable to the operation of the remaining parts. The  
5 legislature hereby declares that it would have passed those parts  
6 of this Act which are valid and omitted any parts which may be  
7 unconstitutional if it had been advised of such unconstitution-  
8 ality at the time of the passage of this Act.

#### EXPLANATION OF SENATE FILE 185

A bill for an act to modernize public utility regulation in Iowa by providing for the creation in the state of Iowa of the Iowa Public Service Commission; to define public utilities and provide for the regulation thereof; to provide for the appointment of members of such public service commission; to define the power, duties, and jurisdiction of such commission; to include in said state jurisdiction regulatory authority over electricity, gas and steam for heating public utilities both publicly and privately owned; to provide for rate regulation of said public utilities by the commission; to prohibit undue preference and unlawful discrimination in the rendering of public utility service; to provide for connection and consolidation of public utilities properties; to provide for operation of said public utilities under indeterminate permits rather than term franchises issued by municipalities; to fix and provide penalties for the violation of any of the provisions of this act; to provide for transfer to the Iowa Public Service Commission of all proceedings pending before the Iowa state commerce commission; to abolish the Iowa state commerce commission; to provide for exercise of eminent domain by said public utility operators; to provide for regulation by the Iowa Public Service Commission of the issuance of securities by public utilities; to provide authority for the Iowa Public Service Commission to assess costs of its operations to all said utilities which are parties to proceedings before it not to exceed three-fifths of one per cent of their respective gross revenues and to assess all said utilities for support of said commission in amounts not exceeding one-fifth of one per cent of their respective gross revenues; to declare the legislative intent to be that all parts of this Act be constitutional exclusive of those parts of the Act which may hereafter be held unconstitutional; and to repeal all laws or parts of laws which are inconsistent with the provisions of this act or to amend such laws or parts of laws to make them consistent with the provisions of this act.