

SENATE FILE 2081

State Government
Jenkins, Chairperson
Shaff
Slater

FILED JAN 31 1978

SENATE FILE 2081

By BURROUGHS

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to judicial review of commerce commission
2 actions pursuant to rate regulatory powers over public
3 utilities.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section four hundred seventy-six point thirteen
2 (476.13), Code 1977, is amended to read as follows:

3 476.13 JUDICIAL REVIEW.

4 1. Judicial review of actions of the commission may be
5 sought in accordance with the terms of the Iowa administrative
6 procedure Act. Notwithstanding the terms of said Act, petition
7 for judicial review may be filed in the district court of
8 any county wherein the order of the commission or some part
9 thereof is to take effect.

10 2. Notwithstanding the terms of the Iowa administrative
11 procedure Act, when such action is pursuant to rate regulatory
12 powers over public utilities, the agency action shall not
13 be subject to judicial review until all agency remedies have
14 been exhausted and a decision prescribing rates has been
15 rendered.

16 3. Notwithstanding the terms of the Iowa administrative
17 procedure Act, proceedings for judicial review of commission
18 action pursuant to rate regulatory powers over public utilities
19 shall be initiated by filing a petition for judicial review
20 with the Supreme Court of Iowa.

21 4. Notwithstanding the terms of the Iowa administrative
22 procedure Act, no court of this state shall have jurisdiction
23 to review any action pursuant to rate regulatory powers of
24 the commission or to impose a stay thereof, or restrain or
25 interfere with the commission in the performance of its
26 official duties, except for the Supreme Court to the extent
27 specified by this chapter and by the judicial review provisions
28 of the Iowa administrative procedure Act which do not conflict
29 with this section.

30 Sec. 2. Section seventeen A point nineteen (17A.19), sub-
31 section one (1), Code 1977, is amended to read as follows:

32 1. A person or party who has exhausted all adequate admin-
33 istrative remedies and who is aggrieved or adversely affected
34 by any final agency action is entitled to judicial review
35 thereof under this chapter. When agency action is pursuant

1 to rate regulatory powers over ~~public-utilities-or~~ common
2 carriers and the aggrievement or adverse effect is to the
3 rates or charges of a ~~public-utility-or~~ common carrier, the
4 agency action shall not be final until all agency remedies
5 have been exhausted and a decision prescribing rates which
6 satisfy the requirements of those provisions of the Code has
7 been rendered. A preliminary, procedural or intermediate
8 agency action is immediately reviewable if all adequate
9 administrative remedies have been exhausted and review of
10 the final agency action would not provide an adequate remedy.
11 If a declaratory ruling has not been rendered within thirty
12 days after the filing of a petition therefor under section
13 17A.9, or if the agency declines to issue such a declaratory
14 ruling after receipt of a petition therefor, any administrative
15 remedy available under section 17A.9 shall be deemed inadequate
16 or exhausted.

17 Sec. 3. This Act is effective July 1, 1979.

18 EXPLANATION

19 This bill provides that judicial review of Iowa commerce
20 commission actions pursuant to rate-regulatory powers over
21 public utilities may be had only in the supreme court.
22 Existing review of such commission actions by the district
23 courts is abolished. Judicial review proceedings before the
24 supreme court would be conducted pursuant to the Administrative
25 Procedure Act. The bill is proposed by the commerce commission
26 for the purpose of eliminating multiple appeals in rate cases,
27 thereby expediting the appeal process and saving time and
28 money for both the state and utility customers.

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