

Reprinted 3/21/86

1986

SENATE FILE 2253  
BY COMMITTEE ON COMMERCE  
(formerly SSB 2101)  
*Chapter 2 (p. 601)*

Passed Senate, Date 3-18-86 (p. 755) Passed House, Date 4-2-86 (p. 1127)  
Vote: Ayes 43 Nays 0 Vote: Ayes 81 Nays 9  
Approved May 1, 1986

A BILL FOR

1 An Act relating to municipally owned utilities.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

SF. 2253

1 Section 1. Section 476.1, unnumbered paragraph 4, Code  
2 1985, is amended to read as follows:

3 Mutual telephone companies in which at least fifty percent  
4 of the users are owners, co-operative telephone corporations  
5 or associations, telephone companies having less than fifteen  
6 thousand customers and less than fifteen thousand access  
7 lines, ~~municipally-owned-utilities~~, and unincorporated  
8 villages which own their own distribution systems are not  
9 subject to the rate regulation provided for in this chapter.

10 Sec. 2. NEW SECTION. 476.1A APPLICABILITY OF AUTHORITY -  
11 - MUNICIPALLY OWNED UTILITIES.

12 Unless otherwise specifically provided by statute, a  
13 municipally owned utility is not subject to regulation by the  
14 commission under this chapter, except for regulatory action  
15 pertaining to:

- 16 1. Assessment of fees for the support of the commission  
17 and the office of consumer advocate, as set forth in section  
18 476.10.
- 19 2. Engineering and safety standards, including standards  
20 for meter testing and maintenance, adopted pursuant to section  
21 476.8.
- 22 3. Peak-load management techniques, as set forth in  
23 section 476.17.
- 24 4. Disconnection of service, as set forth in section  
25 476.20.
- 26 5. Discrimination against users of renewable energy  
27 resources, as set forth in section 476.21.
- 28 6. Assigned areas of service, as set forth in sections  
29 476.22 through 476.26.
- 30 7. Encouragement of alternate energy production  
31 facilities, as set forth in sections 476.41 through 476.45.
- 32 8. Promulgation of rules concerning the use of energy  
33 conservation strategies, as set forth in section 476.2.
- 34 9. Enforcement of civil penalties pursuant to section  
35 476.51.



SENATE FILE 2253

S-5301

- 1 Amend Senate File 2253 as follows:
- 2 1. Page 1, by striking lines 19 through 23 and
- 3 inserting in lieu thereof the following:
- 4 "2. Reasonably adequate service and facilities pur-
- 5 suant to section 476.8."

S-5301 Filed March 11, 1986

BY JENSEN

SENATE FILE 2253

S-5373

- 1 Senate File 2253 as follows:
- 2 1. Page 1, by striking lines 1 through 9.
- 3 2. Page 1, line 12, by inserting before the word
- 4 "unless" the figure "1."
- 5 3. By striking page 1, line 16 through page 2,
- 6 line 6, and inserting the following:
- 7 "a. Assessment of fees for the support of the
- 8 commission and the office of consumer advocate, as set
- 9 forth in section 476.10.
- 10 b. Safety standards.
- 11 c. Assigned areas of service, as set forth in
- 12 sections 476.22 through 476.26.
- 13 d. Enforcement of civil penalties pursuant to
- 14 section 476.51.
- 15 2. Municipally owned utilities shall be required
- 16 to adhere to the requirements of the following
- 17 sections of the Code but all rules and regulations to
- 18 enforce these sections shall lie with each local
- 19 municipal utility's governing board. The commission
- 20 has no authority concerning these sections as they
- 21 apply to municipal utilities:
- 22 a. Peak-load management techniques, as set forth
- 23 in section 476.17.
- 24 b. Disconnection of service, as set forth in
- 25 section 476.20.
- 26 c. Discrimination against users of renewable
- 27 energy resources, as set forth in section 476.21.
- 28 d. Encouragement of alternate energy production
- 29 facilities, as set forth in sections 476.41 through
- 30 476.45.
- 31 e. Promulgation of rules concerning the use of
- 32 energy conservation strategies, as set forth in
- 33 section 476.2."

S-5373 Filed and adopted March 18, 1986 BY JENSEN

(p. 155)

HOUSE AMENDMENT TO  
SENATE FILE 2253

S-5592

1 Amend Senate File 2253 as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 14 the  
4 following:

5 "e. Disconnection of service, as set forth in  
6 section 476.20.

7 f. Discrimination against users of renewable  
8 energy resources, as set forth in section 476.21.

9 g. Encouragement of alternate energy production  
10 facilities, as set forth in sections 476.41 through  
11 476.45."

12 2. Page 1, by striking lines 23 through 28.

13 3. Page 1, line 29, by striking the letter "e."  
14 and inserting the letter "b."

S-5592 Filed April 4, 1986 REC'D FROM THE HOUSE

*Senate concurred 4/11 (p. 1191)*

*See Energy 3/20 Amend (5583) + Do Pass 3/27 (y 1071)*

SENATE FILE **2253**  
BY COMMITTEE ON COMMERCE

(AS AMENDED AND PASSED BY THE SENATE MARCH 18, 1986)

\_\_\_\_\_ - New Language by the Senate  
\* - Language Stricken by the Senate

*Bx* Passed Senate, Date 4-11-86 (p. 1151) Passed House, Date 4-2-86 (p. 1127)  
Vote: Ayes 41 Nays 0 Vote: Ayes 81 Nays 9  
Approved May 1, 1986 (y 1539)

A BILL FOR

1 An Act relating to municipally owned utilities.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

3  
4  
5

SENATE FILE 2253

H-5583

- 1 Amend Senate File 2253 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by inserting after line 14 the
- 4 following:
- 5 "e. Disconnection of service, as set forth in
- 6 section 476.20.
- 7 f. Discrimination against users of renewable
- 8 energy resources, as set forth in section 476.21.
- 9 g. Encouragement of alternate energy production
- 10 facilities, as set forth in sections 476.41 through
- 11 476.45."
- 12 2. Page 1, by striking lines 23 through 28.
- 13 3. Page 1, line 29, by striking the letter "e."
- 14 and inserting the letter "b."

H-5583 FILED MARCH 27, 1986 BY COMMITTEE ON ENERGY AND  
AND ENVIRONMENTAL PROTECTION

*Adopted 4/2 (p. 1127)*

1  
2  
2  
22

S.F. 2253

\* 1 Section 1. NEW SECTION. 476.1A APPLICABILITY OF  
2 AUTHORITY --MUNICIPALLY OWNED UTILITIES.

3 1. Unless otherwise specifically provided by statute, a  
4 municipally owned utility is not subject to regulation by the  
5 commission under this chapter, except for regulatory action  
6 pertaining to:

7 a. Assessment of fees for the support of the commission  
8 and the office of consumer advocate, as set forth in section  
9 476.10.

10 b. Safety standards.

11 c. Assigned areas of service, as set forth in sections  
12 476.22 through 476.26.

13 d. Enforcement of civil penalties pursuant to section  
14 476.51.

15 2. Municipally owned utilities shall be required to adhere  
16 to the requirements of the following sections of the Code but  
17 all rules and regulations to enforce these sections shall lie  
18 with each local municipal utility's governing board. The  
19 commission has no authority concerning these sections as they  
20 apply to municipal utilities:

21 a. Peak-load management techniques, as set forth in  
22 section 476.17.

23 b. Disconnection of service, as set forth in section  
24 476.20.

25 c. Discrimination against users of renewable energy  
26 resources, as set forth in section 476.21.

27 d. Encouragement of alternate energy production  
28 facilities, as set forth in sections 476.41 through 476.45.

29 e. Promulgation of rules concerning the use of energy  
30 conservation strategies, as set forth in section 476.2.

31  
32  
33  
34  
35

SENATE FILE 2253

AN ACT  
RELATING TO MUNICIPALLY OWNED UTILITIES.

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

Section 1. NEW SECTION. 476.1A APPLICABILITY OF  
AUTHORITY -- MUNICIPALLY OWNED UTILITIES.

1. Unless otherwise specifically provided by statute, a municipally owned utility is not subject to regulation by the commission under this chapter, except for regulatory action pertaining to:

a. Assessment of fees for the support of the commission and the office of consumer advocate, as set forth in section 476.10.

b. Safety standards.

c. Assigned areas of service, as set forth in sections 476.22 through 476.26.

d. Enforcement of civil penalties pursuant to section 476.51.

e. Disconnection of service, as set forth in section 476.20.

f. Discrimination against users of renewable energy resources, as set forth in section 476.21.

g. Encouragement of alternate energy production facilities, as set forth in sections 476.41 through 476.45.

2. Municipally owned utilities shall be required to adhere to the requirements of the following sections of the Code but all rules and regulations to enforce these sections shall lie with each local municipal utility's governing board. The commission has no authority concerning these sections as they apply to municipal utilities:

a. Peak-load management techniques, as set forth in section 476.17.

b. Promulgation of rules concerning the use of energy conservation strategies, as set forth in section 476.2.

\_\_\_\_\_  
ROBERT T. ANDERSON  
President of the Senate

\_\_\_\_\_  
DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2253, Seventy-first General Assembly.

\_\_\_\_\_  
K. MARIE THAYER  
Secretary of the Senate

Approved May 1, 1986

\_\_\_\_\_  
TERRY E. BRANSTAD  
Governor