

Substituted for HF 2481
4-6-98
(p. 1280)

3/19/98 Moved to reinitiated Business Calendar

FILED FEB 26 1998

REPRINTED

SENATE FILE 2351
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 2058)

Passed Senate, Date 3/23/98 (p. 820) Passed House, (p. 1281) Date 4-6-98
Vote: Ayes 49 Nays 0 Vote: Ayes 100 Nays 0
Approved 4/15/98

A BILL FOR

1 An Act relating to the time for review of the reorganization of a
2 public utility by the utilities board and providing an
3 effective date.

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

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SENATE FILE 2351

S-5302

- 1 Amend Senate File 2351 as follows:
- 2 1. Page 1, line 5, by striking the words "ninety
- 3 one hundred eighty" and inserting the following:
- 4 "ninety".
- 5 2. Page 1, line 7, by striking the word "sixty"
- 6 and inserting the following: "ninety".

By MARY A. LUNDBY

S-5302 FILED MARCH 23, 1998
ADOPTED (p. 820)

S.F. 2351

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1 Section 1. Section 476.77, subsection 2, Code 1997, is
2 amended to read as follows:

3 2. A proposal for reorganization shall be deemed to have
4 been approved unless the board disapproves the proposal within
5 ninety one hundred eighty days after its filing. The board,
6 for good cause shown, may extend the deadline for acting on an
7 application for an additional period not to exceed sixty days.
8 However, the board shall not disapprove a proposal for
9 reorganization without providing for notice and opportunity
10 for hearing. The notice of hearing shall be provided no later
11 than fifty days after the proposal for reorganization has been
12 filed.

13 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
14 immediate importance, takes effect upon enactment.

15 EXPLANATION

16 This bill extends the time for review of a reorganization
17 of a public utility by the Iowa utilities board from 90 to 180
18 days. The bill also provides that the utilities board may
19 extend the deadline for acting on the application for an
20 additional time period not to exceed 60 days for good cause.

21 The bill takes effect upon enactment.

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1 Section 1. Section 475.77, subsection 2, Code 1997, is
2 amended to read as follows:

3 2. A proposal for reorganization shall be deemed to have
4 been approved unless the board disapproves the proposal within
5 ninety days after its filing. The board, for good cause
6 shown, may extend the deadline for acting on an application
7 for an additional period not to exceed ninety days. However,
8 the board shall not disapprove a proposal ~~for~~ reorganization
9 without providing for notice and opportunity for hearing. The
10 notice of hearing shall be provided no later than fifty days
11 after the proposal for reorganization has been filed.

12 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
13 immediate importance, takes effect upon enactment.

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Palmer
Lundby
Rife

SSB 2058
Commerce
Succeeded By
SF/HF 2351

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
COMMERCE/UTILITIES DIVISION
BILL)

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

A BILL FOR

1 An Act relating to the time for review of the reorganization of a
2 public utility by the utilities board and providing an
3 effective date.

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

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SSB 2058



TERRY E. BRANSTAD, GOVERNOR

IOWA UTILITIES BOARD
DEPARTMENT OF COMMERCE

TO: Members of the General Assembly

FROM: Iowa Utilities Board

DATE: January 12, 1998

RE: LSB NO. 3266DP 77

Currently when a proposed utility merger is filed, the Board has 90 days to review the proposal. A proposed merger is docketed as a formal proceeding which includes prefiled testimony, rebuttal testimony, a formal hearing, initial briefs, and reply briefs. Under the 90-day time frame, the Board has only 14 days after the reply briefs are filed to prepare for an open meeting and issue a written decision.

As the utility industry continues to change, it is likely that future mergers will be more regional in nature. An increase in the number of interests represented before the Board results in more information and positions to analyze and summarize. The number of intervenors and issues raised increases the amount of time necessary to perform the essential analysis of complex issues.

Neighboring states have no statutory deadlines but tend to complete merger review within 180 days. This bill extends the time period for the review of reorganizations from 90 to 180 days with an additional 60 days for good cause. Increasing the review period allows for a more thorough analysis of the issues. The Iowa Utilities Board wants to ensure that our role in proposed mergers is on an equal footing with other state and federal agencies so that the interests of all Iowans may be protected.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

SENATE FILE 2351

AN ACT

RELATING TO THE TIME FOR REVIEW OF THE REORGANIZATION OF A PUBLIC UTILITY BY THE UTILITIES BOARD AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 476.77, subsection 2, Code 1997, is amended to read as follows:

2. A proposal for reorganization shall be deemed to have been approved unless the board disapproves the proposal within ninety days after its filing. The board, for good cause shown, may extend the deadline for acting on an application for an additional period not to exceed ninety days. However, the board shall not disapprove a proposal for reorganization without providing for notice and opportunity for hearing. The notice of hearing shall be provided no later than fifty days after the proposal for reorganization has been filed.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2351, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate

Approved 4/15, 1998

TERRY E. BRANSTAD
Governor