

UTILITIES DIVISION[199]

Adopted and Filed

Rule making related to annual reports

The Utilities Board hereby amends Chapter 23, “Annual Report,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 474.5 and 476.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 476.2, 476.9 and 476.10.

Purpose and Summary

The Utilities Board (Board) is conducting a comprehensive review of its administrative rules in accordance with Iowa Code section 17A.7(2). The purpose of this review is to identify and update or eliminate rules that are outdated or inconsistent with statutes and other administrative rules.

On July 19, 2019, the Board issued an order adopting amendments. The order is available on the Board’s electronic filing system, efs.iowa.gov, under Docket No. RMU-2016-0036.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 8, 2019, as **ARC 4420C**. Following publication of the Notice, the Board received written comments in support of the amendments from Black Hills Energy Company, Iowa-American Water Company (Iowa-American), Interstate Power and Light Company (IPL), and the Iowa Communications Alliance (ICA). The Board also received a written comment from the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, requesting two minor changes. Specifically, the OCA requested that subrule 23.1(2) be amended to add a reference to the Board’s authority under Iowa Code section 476.32 and that subrule 23.1(3) be amended to provide that the annual reports will be publicly accessible.

On June 5, 2019, the Board conducted a technical conference attended by stakeholders to discuss the amendments. An oral presentation was held on June 12, 2019, at 1 p.m. in the Board Hearing Room, 1375 East Court Avenue, Des Moines, Iowa. The oral presentation was attended by the OCA; Iowa-American; IPL; the ICA; MidAmerican Energy Company; BKD, LLP; and Windstream. The OCA reasserted the requested changes contained in its written comment. No other party requested changes to the amendments published under Notice.

The Board made two changes from the Notice per the OCA’s written and oral comments. First, in subrule 23.1(2), language was added to reference Board use of an annual report under Iowa Code section 476.32. Second, a minor change was made in subrule 23.1(3) to specify that the annual reports will be publicly accessible.

Adoption of Rule Making

This rule making was adopted by the Board on July 17, 2019.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

No waiver provision is included in the amendments because the Board has a general waiver provision in rule 199—1.3(17A,474,476) that provides procedures for requesting a waiver of the rules in Chapter 23.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on September 18, 2019.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 23.1(2) as follows:

23.1(2) Each public utility subject to Iowa Code chapter 476 shall file an annual report with this board, on or before April 1 of each year, ~~an annual report as described in this chapter and~~ covering operations during the immediately preceding calendar year. ~~Pursuant to Iowa Code chapter 476, this~~ This information will be used for a number of purposes, including to apportion the costs of the utilities division pursuant to Iowa Code section 476.10 and to determine whether rate-regulated utilities' earnings are excessive pursuant to Iowa Code section 476.32. If a utility ceases operations through merger or sale of its plant during the calendar year, each utility involved in the transaction shall separately file, within 90 days after the merger or sale, an annual report covering the portion of the calendar year operations to the date of sale or merger.

ITEM 2. Amend subrule 23.1(3) as follows:

23.1(3) ~~All pages of the report must be completed and submitted to the board. The words "none" or "not applicable" may be used to complete a schedule when they accurately and fully state the facts. The board shall be notified of the nature, amount, and purpose of any accounts used in addition to those prescribed in utilities division 199—Chapter 16. A copy shall be retained in the respondent's file. All reports are to be prepared for and certified to the Iowa utilities board. The forms that are to be completed by each utility shall be made publicly available on the board's website or by other means readily accessible. The board may require the completed forms to be filed electronically through either a portal on the board's website or the board's electronic filing system.~~

ITEM 3. Rescind subrule **23.1(4)**.

ITEM 4. Rescind rule 199—23.2(476) and adopt the following new rule in lieu thereof:

199—23.2(476) Annual report requirements. Annual report forms shall be provided by the board for the following utilities.

23.2(1) Investor-owned electric utilities.

a. Investor-owned, rate-regulated electric utilities shall file Form IE-1. Such utilities shall also include a copy of FERC Annual Report Form No. 1 or 1A as applicable.

b. Investor-owned, non-rate-regulated electric utilities shall file Form EC-1.

23.2(2) Investor-owned gas utilities. Investor-owned gas utilities shall file Form IG-1. Such utilities shall also include a copy of FERC Annual Report Form No. 2 or 2A as applicable.

23.2(3) Water utilities. Regulated water utilities shall file Form WA-1.

23.2(4) Cooperative electric utilities corporations or associations. Cooperative electric utilities shall file Form EC-1.

23.2(5) Municipal utilities.

a. Municipally owned electric utilities shall file Form ME-1.

b. Municipally owned gas utilities shall file Form MG-1.

23.2(6) Providers of telecommunications service. Providers of telecommunications service shall file Form TC-1.

23.2(7) Competitive natural gas providers and aggregators. Competitive natural gas providers and aggregators shall file Form CNGP-1.

23.2(8) Generation and transmission cooperatives. Generation and transmission cooperatives shall file Form EC-1N.

23.2(9) Additional requirements for rate-regulated utilities. Reports by rate-regulated utilities which have multistate operations shall provide information concerning their Iowa operations as requested on the forms provided by the board. A rate-regulated utility shall file as part of its annual report:

a. A list (by title, author, and date) of any financial, statistical, technical or operational reviews or reports that a company may prepare for distribution to stockholders, bondholders, utility organizations or associations or other interested parties; and

b. A list (by form number and title) of all financial, statistical, technical and operational review-related documents filed with an agency of the federal government.

23.2(10) Storm water drainage and sanitary sewage utilities. Storm water drainage and sanitary sewage utilities shall file Form SW-1.

ITEM 5. Rescind and reserve rule ~~199~~—**23.3(476)**.

[Filed 7/19/19, effective 9/18/19]

[Published 8/14/19]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/14/19.