

UTILITIES DIVISION[199]

Notice of Intended Action

**Proposing rule making related to electric lines
and providing an opportunity for public comment**

The Utilities Board hereby proposes to amend Chapter 11, “Electric Lines,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code chapter 478.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 478.

Purpose and Summary

The Utilities Board conducted a comprehensive review of its Chapter 11 administrative rules in accordance with Iowa Code section 17A.7(2). Based upon comments received at an Administrative Rules Review Committee meeting, the Board proposes the rules for electric lines be amended. The Chapter 11 rules are proposed to be amended to address stakeholder concerns.

On September 4, 2020, the Board issued an order commencing rule making. The order is available on the Board’s electronic filing system, efs.iowa.gov, under Docket No. RMU-2020-0011.

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 proposed 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 this chapter.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on October 27, 2020. Comments should be directed to:

Iowa Utilities Board
Electronic Filing System (EFS) efs.iowa.gov
Phone: 515.725.7337
Email: efshelpdesk@iub.iowa.gov

Public Hearing

An oral presentation at which persons may present their views orally or in writing will be held as follows:

December 3, 2020
9 a.m. to 12 noon

Board Hearing Room
1375 East Court Avenue
Des Moines, Iowa

Persons who wish to make oral comments at the oral presentation may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the oral presentation and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

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).

The following rule-making actions are proposed:

ITEM 1. Amend rule 199—11.2(478) as follows:

199—11.2(478) Definitions. For the administration and interpretation of this chapter, the following words and terms, when used in these rules, shall have the meanings indicated below:

“Affected person” means any person with a ~~recorded~~ legal right or interest in the property, including but not limited to a landowner, contract purchaser of record, a ~~tenant occupying the property or person~~ possessing the property under a ~~recorded~~ lease, a record lienholder, and a record encumbrancer of the property. ~~The term also includes persons in possession of or residing on the property and persons with unrecorded interests in property that have been identified through a good faith effort of the electric company.~~

“Board” means the utilities board within the utilities division of the department of commerce.

“Capable of operating” means the standard voltage rating at which the electric line, wire, or cable can be operated consistent with the level of the insulators and the conductors used in construction of the electric line, wire, or cable based on manufacturer's specifications, industry practice, and applicable industry standards.

“Electric company” means any person that proposes to construct, erect, maintain, or operate an electric line, wire, or cable in Iowa.

“Person” means individual, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity as defined in Iowa Code section 4.1(20).

“Termini” means the electrically functional end points of an electric line, without which it could not serve a public use. Examples of termini may include, but are not limited to, generating stations, substations, or switching stations.

“Transmission line” means any electric line, wire, or cable capable of operating at 69 kilovolts or more.

ITEM 2. Amend subrule 11.3(3) as follows:

11.3(3) Railroad crossings. ~~Where these rules call for~~ When the construction of a transmission line requires the consent or other showing of right from a railroad for a railroad crossing, an affidavit filed by an electric company may file an affidavit, which states that proper application for approval of the railroad crossing has been made, that a one-time crossing fee has been paid as provided for in rule 199—42.3(476), and that 35 days have passed since mailing of the application and payment with no claim of special circumstance or objection from the railroad. No claim of special circumstance or objection from the railroad will be accepted as a showing of consent for the crossing. Such affidavit or an affirmative statement of consent from the railroad shall be filed as soon as possible and must be filed

prior to commencement of construction of the railroad crossing. A franchise may be issued subject to the filing of such consent.

ITEM 3. Amend subparagraph **11.5(1)“d”(6)** as follows:

(6) A copy of the route study, if any, which was performed in determining the location of the proposed transmission line. If an electric company has received all necessary voluntary easements at the time the petition is filed, a copy of the route study is not required to be filed with the petition.