

UTILITIES DIVISION[199]

Adopted and Filed

Rule making related to electric lines

The Utilities Board hereby amends Chapter 11, “Electric Lines,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted 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 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 concluded the rules for electric lines should be amended. The Chapter 11 rules are amended to address stakeholder concerns. On April 19, 2021, 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-2020-0011.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 7, 2020, as **ARC 5217C**. An oral presentation was held on December 3, 2020, at 9 a.m. in the Board Hearing Room, 1375 East Court Avenue, Des Moines, Iowa.

Comments were presented at the oral presentation by electric transmission companies, public utilities, the Iowa Farm Bureau, and other interested persons. The comments addressed the proposed changes to the Board’s Chapter 11 rules.

Written comments received were very similar to the comments made at the oral presentation. The Board allowed for additional written comments after the oral presentation. There were only a few additional comments filed.

The amendments in this rule making are not identical to those proposed in the Notice. The changes are based upon comments made at the oral presentation and written comments.

Adoption of Rule Making

This rule making was adopted by the Board on April 19, 2021.

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 this chapter.

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 June 23, 2021.

The following rule-making actions are adopted:

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. Rescind subrule 11.3(3) and adopt the following **new** subrule in lieu thereof:

11.3(3) Railroad crossings. Where a petition for temporary construction permit is made as provided in Iowa Code section 478.31, an affidavit filed by an electric company will be accepted as a showing of consent for the crossing if the affidavit states the following provisions, as provided for in rule 199—42.3(476), have been met: (1) that proper application for approval of the railroad crossing has been made, (2) that a one-time crossing fee has been paid, and (3) that 35 days have passed since mailing of the application and payment with no claim of special circumstance or objection from the railroad. 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.

ITEM 3. Rescind subparagraph **11.5(1)“d”(6)**.

ITEM 4. Renumber subparagraph **11.5(1)“d”(7)** as **11.5(1)“d”(6)**.

ITEM 5. Adopt the following new subrule 11.9(6):

11.9(6) *Route study.* If a hearing on a petition is required by Iowa Code section 478.6(1), an electric company shall file a route study, if conducted, with the board at the earlier of either the electric company's next revised petition filing or its testimony in support of the petition after the board orders a hearing.

[Filed 4/19/21, effective 6/23/21]

[Published 5/19/21]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/19/21.