

## UTILITIES DIVISION[199]

### Adopted and Filed

#### Rule making related to federally registered planning authority transmission projects

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 section 478.16.

#### *State or Federal Law Implemented*

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

#### *Purpose and Summary*

The Board is adopting this rule making to implement the requirements of Iowa Code section 478.16. This rule making establishes the process for when and how an incumbent electric transmission owner notifies the Board of the owner’s decision to construct an electric transmission line approved by a federally registered planning authority. The Board is adopting a rule to describe the process should two or more incumbent electric transmission owners seek to build the approved line. The Board’s adopted rule also establishes the process by which an incumbent electric transmission owner notifies the Board of the owner’s intent not to construct the approved electric transmission line. Lastly, the Board’s adopted rule establishes the process for filing reports with the Board regarding the cost of the project consistent with Iowa Code section 478.16(4). On March 4, 2022, the Board issued an order adopting new rule. The order is available on the Board’s electronic filing system, [efs.iowa.gov](https://efs.iowa.gov), under Docket No. RMU-2021-1114.

#### *Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 3, 2021, as **ARC 6016C**. A public hearing was held on December 7, 2021, at 10 a.m. in the Board Hearing Room, 1375 East Court Avenue, Des Moines, Iowa.

The Board received comments at the public hearing from the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice; MidAmerican Energy Company (MidAmerican); ITC Midwest LLC (ITC Midwest); and LS Power Midcontinent, LLC, and Southwest Transmission, LLC (collectively “LS Power”), relating to the scope of the rule as well as other technical changes throughout the rule.

On November 19, 2021, Missouri River Energy Services filed comments regarding the Notice. On November 23, 2021, OCA, MidAmerican, ITC Midwest, and LS Power filed comments regarding the Notice. On December 17, 2021, the Board issued an order requesting stakeholder comment. On January 6, 2022, ITC Midwest filed its comments in response to the Board’s December 17, 2021, order. On January 10, 2022, OCA, MidAmerican, Resale Power Group of Iowa, and Large Energy Group filed their comments in response to the Board’s December 17, 2021, order requesting stakeholder comments. The comments addressed issues raised at the oral presentation as well as the last remaining issues stakeholders had regarding the rule making.

One change from the Notice has been made. Specifically, to provide for better clarity, the Board inserted the word “other” in subrule 11.14(6).

#### *Adoption of Rule Making*

This rule making was adopted by the Board on March 4, 2022.

### *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 11.

### *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 May 11, 2022.

The following rule-making action is adopted:

Adopt the following **new** rule 199—11.14(478):

#### **199—11.14(478) Federally registered planning authority transmission projects.**

**11.14(1) Purpose.** The purpose of this rule is to implement the requirements of Iowa Code section 478.16.

**11.14(2) Definitions.** For the administration and interpretation of this rule, the following words and terms, when used in this rule, shall have the following meanings:

“*Electric transmission line*” means a high-voltage electric transmission line with a capacity of 100 kilovolts or more and any associated electric transmission facility, including any substation or other equipment.

“*Electric transmission owner*” means an individual or entity who, as of July 1, 2020, owns and maintains an electric transmission line that is required for rate-regulated electric utilities, municipal electric utilities, and rural electric cooperatives in this state to provide electric service to the public for compensation.

“*Federally registered planning authority*” means any independent system operator or regional transmission organization approved by the Federal Energy Regulatory Commission.

“*Incumbent electric transmission owner*” means any of the following:

1. A public utility or a municipally owned utility that owns, operates, and maintains an electric transmission line in this state.

2. An electric cooperative corporation or association or municipally owned utility that owns an electric transmission facility in this state and has turned over the functional control of such facility to a federally approved authority.

3. An electric transmission owner.

#### **11.14(3) Notification of decision of incumbent transmission owner.**

a. Upon approval of an electric transmission line, in a federally registered planning authority transmission plan, which connects to a transmission facility owned by an incumbent transmission line owner, the incumbent electric transmission owner shall notify the board in writing within 90 days of its intent to construct, own, and maintain the approved electric transmission line.

b. If the incumbent electric transmission owner does not intend to construct, own, or maintain an electric transmission line approved in a federally registered planning authority transmission plan, the incumbent electric transmission owner shall notify the board in writing within 90 days of the date the federally registered planning authority approves the transmission line.

c. If an electric transmission line approved by a federally registered planning authority connects to two or more incumbent electric transmission owners' facilities, all incumbent electric transmission owners shall notify the board within 90 days of their intent to construct, own, and maintain the approved electric transmission line individually and equally.

d. In the event where two or more incumbent electric transmission owners may construct an electric transmission line approved by a federally registered planning authority but one incumbent electric transmission owner notifies the board of its intent not to construct, own, or maintain the approved electric transmission line, the other incumbent electric transmission owner or owners shall notify the board of their intent to construct the entire project within 90 days of federally registered planning authority's approval of the transmission line.

**11.14(4) *Effect of incumbent's decision to decline to construct.*** Upon receipt by the board of notice of the incumbent electric transmission owner's intent not to construct, operate, or maintain the electric transmission line approved by a federally registered planning authority, or the failure of the incumbent electric transmission owner to provide such notice, the board may issue a franchise to another person to construct the electric transmission line approved by a federally registered planning authority subject to the requirements of Iowa Code chapter 478.

**11.14(5) *Reports to the board.***

a. Within 30 days of the issuance of a franchise, the electric transmission owner who is constructing, owning, and maintaining the electric transmission line approved by a federally registered planning authority shall file with the board the estimated cost to construct the electric transmission line.

b. Until construction of the electric transmission line approved by a federally registered planning authority is complete, the electric transmission owner who is constructing, owning, and maintaining the electric transmission line approved by a federally registered planning authority shall provide quarterly reports to the board detailing the estimated cost to construct the electric transmission line approved by a federally registered planning authority. If the estimated cost to construct the electric transmission line approved by a federally registered planning authority changes from the last report, the electric transmission owner who is constructing, owning, and maintaining the electric transmission line approved by a federally registered planning authority shall provide an explanation as to the change.

**11.14(6) *Compliance with board rules.*** Nothing in this rule shall modify or alter any other requirements established in this chapter of the board's rules.

[Filed 3/7/22, effective 5/11/22]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/6/22.