

UTILITIES DIVISION[199]

Notice of Intended Action

Proposing rule making related to electric transmission 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 and section 474.5(1).

State or Federal Law Implemented

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

Purpose and Summary

The Board opened this proposed rule making to provide clarity on the issue of whether an electric transmission line company is required to seek an amendment to a Board-issued electric transmission line franchise when the company constructs a new substation or switching station along and connected to an existing franchised line. Under the existing rules, the Board concluded an amendment is necessary, and that determination is currently being litigated in two cases in the district court for Polk County. Presently, the district court has issued a stay in those two cases to allow this rule making to progress. The proposed amendments would clarify that an amendment to the existing franchise under these circumstances is not necessary. The proposed amendments would further provide electric transmission line companies greater flexibility in seeking an extension of an existing electric transmission line franchise and in voluntarily withdrawing a petition.

The Board issued an order on February 6, 2023, commencing this rule making. The order is available on the Board’s electronic filing system, efs.iowa.gov, under RMU-2022-0011.

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 Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on March 14, 2023. Comments should be directed to:

IT Support
Iowa Utilities Board
Phone: 515.725.7300
Email: ITSupport@iub.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 28, 2023
10 a.m. to 12 noon

Board Hearing Room
1375 East Court Avenue
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing 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 public hearing 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 paragraphs **11.6(1)“b”** and **“c”** as follows:

b. Constructing an additional ~~extra~~ line which is capable of operating at a nominal voltage of 69 kV or more on a previously franchised line, where an additional ~~extra~~ line at such voltage is not authorized by the existing franchise.

c. Relocating a franchised line to a route different from that authorized by an existing franchise, including the construction of tap(s) to a substation or switching station, which requires that new or additional interests in property be obtained, or that new or additional authorization be obtained from highway or railroad authorities, for a total distance of one route mile or more, or for any relocations where the right of eminent domain is sought. An amendment is not required for relocations made pursuant to Iowa Code section 318.9(2).

ITEM 2. Amend subrule 11.8(2) as follows:

11.8(2) *Date for filing petition for extension.* A petition for an extension of a franchise shall be filed at least one year, and no more than five years, prior to expiration of the franchise. This requirement is not applicable to extensions of franchises that expire within one year of September 2, 2020. Extensions of existing countywide franchises are permitted; however, petitions to extend the franchises of separate transmission lines within a county by combining those transmission lines into a countywide franchise are not permitted using the franchise extension process.

ITEM 3. Amend subrule 11.10(4) as follows:

11.10(4) *Notice of ~~relocations~~ construction not requiring an amendment to a franchise.* Whenever a transmission line under franchise is relocated or is reconstructed with different materials or specifications than those that appear on the most recent Exhibit C, or taps to a new substation or switching station are constructed along and connected to the franchised line in a manner that does not require an amendment to a franchise, the holder of the franchise shall notify the board in writing of the ~~relocation~~ construction, stating the franchise and docket numbers and date of franchise issuance for the affected transmission

line, and providing revised Exhibits A, ~~and B, and C, as applicable,~~ that reflect the changes in the route, not more than 30 days after the ~~commencement~~ completion of the ~~relocation~~ construction.

ITEM 4. Rescind subrule **11.10(5)**.

ITEM 5. Amend subrule 11.12(1) as follows:

11.12(1) *Termination of docket.* Upon written notice to the board by an electric company that a franchise petition or petition for amendment of a franchise is withdrawn, the docket shall be closed ~~by board order~~.