

UTILITIES DIVISION[199]

Notice of Intended Action

**Proposing rulemaking related to annual report
and providing an opportunity for public comment**

The Utilities Board hereby proposes to rescind Chapter 23, “Annual Report,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 476.2, 476.9, 476.10, 476.22, 476.31 and 546.7.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 476.1, 476.2, 476.9, 476.22, 476.31 and 546.7.

Purpose and Summary

The Board commenced this rulemaking under the provisions of Executive Order 10. Chapter 23 is intended to inform the public and public utilities of Board requirements related to the filing of annual reports. With respect to rate-regulated public utilities, annual reports serve the essential function of facilitating the continuous review of the operation of these utilities with respect to all matters that affect rates or charges for utility services. The Board is proposing to rescind the existing Chapter 23 and to repromulgate a new version of Chapter 23 with the removal of unnecessary and unneeded language and the reduction of restrictive terms.

Prior to submission of the Notice of Intended Action, the Board held a technical conference with stakeholders, which included a discussion regarding the proposed version of Chapter 23. The technical conference was attended by the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice; Black Hills/Iowa Gas Utility Company, LLC, d/b/a Black Hills Energy (Black Hills); and MidAmerican Energy Company (MidAmerican). The Board also accepted written comments, which were filed by OCA, MidAmerican, and Iowa-American Water Company.

Based on the written and oral comments received, the Board modified proposed Chapter 23 to produce the version of the chapter in this Notice.

The Board issued an order on January 17, 2024, commencing this rulemaking. The order is available on the Board’s electronic filing system, efs.iowa.gov, under RMU-2023-0023.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, 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 23.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the Board no later than 4:30 p.m. on February 27, 2024. Comments should be directed to:

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

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

February 27, 2024 11 a.m. to 12 noon	Board Hearing Room 1375 East Court Avenue Des Moines, Iowa
March 5, 2024 11 a.m. to 12 noon	Board Hearing Room 1375 East Court Avenue Des Moines, Iowa

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a 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 rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action is proposed:

ITEM 1. Rescind 199—Chapter 23 and adopt the following **new** chapter in lieu thereof:

CHAPTER 23
ANNUAL REPORT

199—23.1(476) General information.

23.1(1) Every public utility shall keep and render its books, accounts, papers, and records accurately and faithfully in the manner and form prescribed by the board and comply with all directions of the board relating to such books, accounts, papers, and records.

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 covering operations during the immediately preceding calendar year. This information will be used for a number of purposes, including to apportion the costs of the utilities board pursuant to Iowa Code section 476.10 and to determine whether rate-regulated utilities' earnings are excessive pursuant to Iowa Code section 476.32.

23.1(3) The forms that are to be completed by each utility will be made publicly available on the board's website or by other means readily accessible. The board may direct the utilities to file the completed forms through a portal on the board's website or the board's electronic filing system.

199—23.2(476) Annual report requirements.

23.2(1) Forms. The following annual report forms shall be filed by the following utilities:

- a.* Investor-owned, rate-regulated electric utilities file Form IE-1 with a copy of that utility's Federal Energy Regulatory Commission (FERC) Annual Report Form No. 1 or 1A as applicable.
- b.* Investor-owned, non-rate-regulated electric utilities file Form EC-1.
- c.* Investor-owned gas utilities file Form IG-1 with a copy of that utility's FERC Annual Report Form No. 2 or 2A as applicable.
- d.* Regulated water utilities file Form WA-1.
- e.* Cooperative electric utilities file Form EC-1.
- f.* Municipally owned electric utilities file Form ME-1.
- g.* Municipally owned gas utilities file Form MG-1.
- h.* Providers of telecommunications service file Form TC-1.
- i.* Competitive natural gas providers and aggregators file Form CNGP-1.
- j.* Generation and transmission cooperatives file Form EC-1N.
- k.* Storm water drainage and sanitary sewage utilities file Form SW-1.

23.2(2) Additional requirements for rate-regulated utilities. A rate-regulated utility is to include information concerning its Iowa operations in its report as requested on the forms and file as part of its annual report the following:

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.

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.

These rules are intended to implement Iowa Code sections 476.2, 476.9, 476.10, 476.22, 476.31, and 546.7.