

UTILITIES DIVISION[199]

Adopted and Filed

Rulemaking related to annual report

The Utilities Board hereby rescinds Chapter 23, “Annual Report,” Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted 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 (January 10, 2023). This chapter 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 rescinding the existing Chapter 23 and re promulgating a new version of Chapter 23 with the removal of unnecessary and unneeded language and the reduction of restrictive terms.

On March 13, 2024, 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-2023-0023.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 7, 2024, as **ARC 7579C**. The first public hearing was held on February 27, 2024, at 11 a.m. in the Board Hearing Room, 1375 East Court Avenue, Des Moines, Iowa, and the second public hearing was held on March 5, 2024, at 11 a.m. in the Board Hearing Room, 1375 East Court Avenue, Des Moines, Iowa.

The February 27, 2024, public hearing was attended by the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice; and Interstate Power and Light Company. The March 5, 2024, public hearing was attended by OCA, MidAmerican Energy Company, and Black Hills/Iowa Gas Utility Company, LLC d/b/a Black Hills Energy. All oral comments received were supportive of the proposed rulemaking action set forth in the Notice, except that OCA requested that the word “shall” be reinserted in the first sentence of subrule 23.2(2). In addition to attending the oral presentations, OCA filed written comments in which it requested the previously mentioned change in subrule 23.2(2).

One change from the Notice has been made to change “is to” in the first sentence of subrule 23.2(2) to “shall” at the request of OCA. From its current version, the adopted version of Chapter 23 contains 57 fewer words and 19 fewer restrictive terms. Consequently, the adopted version of Chapter 23 will contain fewer restrictive terms even with the reinsertion of the restrictive term requested by OCA.

Adoption of Rulemaking

This rulemaking was adopted by the Board on March 14, 2024.

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.

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).

Effective Date

This rulemaking will become effective on May 8, 2024.

The following rulemaking action is adopted:

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 shall 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, and 476.31.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/3/24.