

UTILITIES DIVISION[199]

Adopted and Filed

Pursuant to Iowa Code sections 17A.4, 476.1, 476.1A, 476.1B, and 476.20, and 2010 Iowa Acts, Senate File 2297, the Utilities Board (Board) gives notice that on September 1, 2010, the Board issued an order in Docket No. RMU-2010-0001, In re: Disconnection of Residence with a Deployed Service Member, “Order Adopting Rules.” The Board is adopting amendments to 199 IAC 19.4(476) and 20.4(476). The amendments reflect changes to Iowa Code section 476.20(3) contained in 2010 Iowa Acts, Senate File 2297, which was signed by the Governor on April 27, 2010, and became effective on July 1, 2010.

2010 Iowa Acts, Senate File 2297, addressed various veterans and military service issues, among which was a provision amending Iowa Code section 476.20, which deals with disconnection of utility service. 2010 Iowa Acts, Senate File 2297, amends Iowa Code subsection 476.20(3) by adding the following unnumbered paragraph:

The rules established by the board shall provide that a public utility furnishing gas or electricity shall not disconnect service to a residence in which one of the heads of household is a service member deployed for military service, as defined in section 29A.90, prior to a date ninety days after the end of the service member’s deployment, if the public utility is informed of the deployment.

The amendments to 199 IAC 19.4(476) and 20.4(476) reflect these statutory changes, prohibiting disconnection in circumstances outlined by the statute and amending the customer rights and remedies descriptions in Chapters 19 and 20.

Notice of Intended Action in Docket No. RMU-2010-0001 was published in IAB Vol. XXXII, No. 26 (6/16/2010) p. 2849, as **ARC 8858B**. Written comments were received from the Consumer Advocate Division of the Department of Justice, MidAmerican Energy Company, Interstate Power and Light Company (IPL), Black Hills/Iowa Gas Utility d/b/a Black Hills Energy, and the Iowa Association of Electric Cooperatives. An oral presentation was held on July 27, 2010, and IPL submitted supplemental information subsequent to the oral presentation.

The Board notes that 2010 Iowa Acts, Senate File 2297, only addresses disconnection of gas or electric service; there is no forgiveness of the public utility’s charges, and the customer’s liability for the account is unaffected. This is consistent with the long-standing winter disconnection moratorium of Iowa Code section 476.20, which also prohibits disconnection of service in certain situations but does not require forgiveness of the public utility’s charges.

The comments were generally supportive of the Noticed rules. Although some commenters said there was an ambiguity as to whether the statute applied to both federal and state deployments, the Board will apply the rules to both types of deployments because this is consistent with legislative intent. Parties at the oral presentation were in general agreement that the rules should cover both state and federal deployments.

The amendments change the rights and responsibilities statement sent to utility customers. In the past when such changes have been made, the Board has been flexible about allowing the existing stock of statements to be used before requiring use of a new form reflecting changes; utilities have been allowed to provide the new language by using either a bill message or bill insert. However, because of the Board’s change of address that will occur this year, utilities will need to have updated notices ready before January 2011 that include the language required by the adopted amendments and the Board’s new address, telephone numbers, and E-mail addresses. If there are any questions, the utilities should work with the Board’s Customer Service staff.

Although the utility commenters requested that notice of a deployment be in writing, preferably by a copy of the deployed member’s orders, the Board will not require the notice to be in writing because

there may be situations where it is impractical to provide written notice. Written notice, however, is preferred whenever possible.

The Board will not adopt suggestions to further define the term “head of household.” This is a difficult term to define other than in general terms, and refinements are best left to a case-by-case determination. Also, in response to another suggestion, the Board will not add language to the rights and remedies encouraging people to continue paying at least part of their bill. The Board believes the notice is clear that, although disconnection is prohibited during the term of the deployment and within 90 days thereafter, there is no forgiveness of the amount of the bill and the customer remains responsible for payment.

The Board does not find it necessary to propose a separate waiver provision in this rule making. The Board’s general waiver provision in 199 IAC 1.3(17A,474,476,78GA,HF2206) is applicable to these amendments. Also, because there were no changes to the Noticed amendments, no additional notice is necessary prior to adopting these amendments.

These amendments are intended to implement Iowa Code sections 476.1, 476.1A and 476.1B and section 476.20 as amended by 2010 Iowa Acts, Senate File 2297.

These amendments will become effective on October 27, 2010.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [19.4, 20.4] is being omitted. These amendments are identical to those published under Notice as **ARC 8858B**, IAB 6/16/10.

[Filed 9/1/10, effective 10/27/10]

[Published 9/22/10]

[For replacement pages for IAC, see IAC Supplement 9/22/10.]