UTILITIES DIVISION[199]

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 199—Chapter 11
"Electric Lines"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 478
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 478

Public Hearing

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

April 29, 2024 2 to 4:30 p.m.	Board Hearing Room 1375 East Court Avenue Des Moines, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis. Written or oral comments in response to this Regulatory Analysis must be received by the Utilities Board no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

IT Support
Des Moines, Iowa 50319
Phone: 515.725.7300
Email: ITSupport@iub.iowa.gov

Purpose and Summary

The purpose of this proposed rulemaking is to set forth the requirements for requesting a Board-issued electric transmission line franchise for the construction, operation, and maintenance of electric transmission lines and the procedures governing electric transmission line franchise contested cases.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:

The proposed rules apply to all persons requesting a Board-issued electric transmission line franchise. While such persons may incur costs in the course of those proceedings, those costs are primarily caused by the underlying nature and course of the proceeding.

- Classes of persons that will benefit from the proposed rulemaking:

The proposed rules benefit electric transmission line companies by setting forth the requirements and procedures for requesting a Board-issued franchise. The proposed rules further benefit Iowans and landowners wishing to participate in electric transmission line franchise proceedings.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

These proposed rules are intended to assist persons seeking a Board-issued electric transmission line franchise and other persons wishing to participate in franchise proceedings by describing and detailing the rules governing such proceedings. The rules are further intended to ensure that Board franchise proceedings are fairly and efficiently conducted. While there may be costs incurred by persons participating in Board franchise proceedings, those costs are more directly caused by the nature and course of such a proceeding.

- Qualitative description of impact:

The proposed rules assist Iowans and other persons choosing to participate in a Board electric transmission franchise proceeding. The proposed rules ensure that such persons are aware of the proceeding expectations and procedures.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

The Board incurs costs in conducting electric transmission line franchise contested case proceedings; however, the requirement that the Board conduct these types of proceedings are not imposed by these proposed rules but instead are required by Iowa Code chapter 478. Additionally, pursuant to Iowa Code section 476.10, Board costs incurred in a particular franchise proceeding may be assessed to the person requesting the franchise.

- Anticipated effect on state revenues:

There is no anticipated effect on state revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

Because these proposed rules merely provide the framework for Board electric transmission franchise proceedings and because the public benefits from the availability of the information contained within the chapter, the benefits of providing the information outweigh the costs. Inaction is not advised because the public would not be aware of what was needed to initiate and participate in electric transmission line franchise proceedings.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The Board does not believe there are any less costly methods of addressing the purpose of this rule.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

Inaction was considered by the agency.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

Inaction is not advisable because there is value in letting the public know of the electric transmission line franchise procedures.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The agency does not believe the proposed rulemaking will have an adverse impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 199—Chapter 11 and adopt the following **new** chapter in lieu thereof:

CHAPTER 11
ELECTRIC LINES

199—11.1(478) General information.

11.1(1) *Purpose and authority.* The purpose of this chapter is to implement Iowa Code chapter 478 and to establish procedures for electric franchise proceedings before the Iowa utilities board. This chapter applies to any person engaged in the construction, operation, and maintenance of electric transmission lines in Iowa.

11.1(2) *Iowa electrical safety code.* Overhead and underground electric line minimum safety requirements to be applied in installation, operation, and maintenance are found in 199—Chapter 25, Iowa electrical safety code.

11.1(3) *Date of filing.* Petitions for franchise, and all other filings, are to follow the filing guidelines found at 199—Chapter 14.

11.1(4) *Franchise.* An electric franchise shall be required for the construction, operation, and maintenance of any electric line capable of operating at 69,000 volts (69 kV) or more outside of cities. A franchise is not required for electric lines located entirely within the boundaries of property owned by a person engaged in the transmission or distribution of electric power or an end user.

11.1(5) *Issuance of franchise.* The chairperson may delegate the execution of a franchise to another authorized employee of the board, including but not limited to the chief operating officer or general counsel. Where the board has previously determined that an existing transmission line satisfies the requirements of Iowa Code section 478.4, and no evidence to the contrary has been offered and no objection has been filed in the docket, a franchise may be renewed or amended by the issuance of a franchise without an accompanying order.

199—11.2(478) Definitions. The following definitions apply to the rules in this chapter:

"Affected person" means any person with a legal right or interest in the property, including but not limited to a landowner, contract purchaser of record, a person possessing the property under a lease, a record lienholder, and a record encumbrancer of the property.

"Board" means the utilities board.

"Capable of operating" means the standard voltage rating at which the electric line, wire, or cable can be operated consistent with the level of the insulators and the conductors used in construction of the electric line, wire, or cable based on manufacturer's specifications, industry practice, and applicable industry standards.

"Electric company" means any person that proposes to construct, erect, maintain, or operate an electric line, wire, or cable in Iowa.

"Person" means individual, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity as defined in Iowa Code section 4.1(20).

"Termini" means the electrically functional end points of an electric line, without which it could not serve a public use. Examples of termini may include but are not limited to generating stations, substations, or switching stations.

"Transmission line" means any electric line, wire, or cable capable of operating at 69 kV or more.

199—11.3(478) Route selection. The planning for a route that is the subject of a petition for franchise shall begin with routes that are near and parallel to roads, railroad rights-of-way, or division lines of land, according to the government survey, consistent with the provisions of Iowa Code section 478.18(2).

11.3(1) *Where deviations are allowed.* Where a route planned near and parallel to roads, railroad rights-of-way, or division lines of land would contain segments making transmission line construction not practicable and reasonable, generally for engineering reasons, route deviation(s) may be proposed and accompanied by a proper evidentiary showing that the initial route or routes examined did not meet practicable and reasonable standards. Deviations based on landowner preference or those that minimize interference with land may be permissible; however, the electric company must demonstrate that route planning began with a route or routes located near and parallel to roads, railroad rights-of-way, or division lines of land.

11.3(2) *Distance from buildings.* Construction of a new building within 100 feet of an existing transmission line shall be construed as "agreement" within the meaning of Iowa Code section 478.20.

11.3(3) *Railroad crossings.* Where a petition for a temporary construction permit is made as provided in Iowa Code section 478.31, an affidavit filed by an electric company will be accepted as a showing of consent for the crossing if the affidavit states the following provisions have been met: (1) that proper application for approval of the railroad crossing has been made, (2) that a one-time crossing fee has been paid, and (3) that 35 days have passed since mailing of the application and payment with no claim of special circumstance or objection from the railroad. Such affidavit or an affirmative statement of consent from the railroad shall be filed as soon as possible and must be filed prior to commencement of construction of the railroad crossing.

199—11.4(478) Informational meetings. Not less than 30 days or more than two years prior to filing a petition or related petitions requesting a franchise for a new transmission line with one or more miles of the total proposed route across privately owned real estate, the electric company shall hold an informational meeting in each county in which real property or real property rights will be affected. An informational meeting is to be held in each county where property rights will be affected regardless of the length of the portion of the proposed transmission line in a county. The length of easements required for

conductor and crossarm overhang of private property, even if no supporting structures are located on that property, shall be included in determining whether an informational meeting is required pursuant to Iowa Code section 478.2.

11.4(1) *Facilities.* Electric companies filing a petition for franchise shall be responsible for negotiations and compensation for a suitable facility to be used for each informational meeting, including a building or facility that is in substantial compliance with any applicable accessibility requirements where such a building or facility is reasonably available.

11.4(2) *Personnel.* At the informational meeting, qualified personnel representing the electric company shall present the following information:

a. Utility service requirements and planning that have resulted in the proposed construction.

b. When the transmission line will be constructed.

c. In general terms, the physical construction, appearance and typical location of poles and conductors with respect to property lines.

d. In general terms, the rights that the electric company seeks to acquire by easements.

e. Procedures to be followed in contacting affected persons with whom the electric company may seek specific negotiations in acquiring voluntary easements.

f. Methods and factors used in arriving at an offered price for voluntary easements, including the range of cash amount of each component. An example of an offer sheet shall be included with the presentation.

g. The manner in which voluntary easement payments are made, including discussion of conditional easements, signing fees, and time of payment.

h. Other factors or damages that are not included in the easement but for which compensation is made, including features of interest to affected persons but not limited to computation of amounts and manner of payment.

i. If the undertaking is a joint effort by more than one electric company, all of the electric companies involved in the project shall be represented at the informational meeting by qualified personnel pursuant to this subrule.

11.4(3) *Board approval.* An electric company proposing to schedule an informational meeting shall file a request with the board to schedule the informational meeting and include a proposed date and time for the informational meeting, an alternate date and time, and a general description of the proposed project and route. The board will typically notify the electric company within ten days from the filing of the request whether the request is approved or alternate dates and times are required. Not less than 30 days prior to the informational meeting, the electric company shall file with the board the location of the informational meeting and a map of the proposed route that includes the notification corridor. Once a date and time for the informational meeting have been approved and not less than 14 days prior to the informational meeting, the electric company shall file the informational meeting presentation with the board.

11.4(4) *Notice of informational meeting.* The notice of each informational meeting shall be provided by certified mail, return receipt requested, to impacted landowners. The notification corridor includes any property over which the electric company may seek easements. Not less than 30 days prior to the date of the informational meeting, a copy of the notice shall be filed with the board and the notice deposited in the U.S. mail by the electric company.

a. In addition to the information listed in Iowa Code section 478.2(3)*"b,"* the notice shall include a copy of the statement of damages as described in subrule 11.9(4) and the statement, "Persons with disabilities requiring assistive services or devices to observe or participate should contact the Utilities Board at (515)725-7300 in advance of the scheduled date to request accommodations."

b. The electric company's published meeting notice shall include a map of the project.

c. The electric company shall file prior to the informational meeting an affidavit describing the good-faith effort the electric company undertook to locate the addresses of impacted landowners. The affidavit shall be signed by an officer of the electric company.

199—11.5(478) Petition for a new franchise. A single docket will be assigned to a proposed transmission line even if the transmission line will be located in more than one county. The electric company may request one franchise for the entire transmission line or may request separate franchises in each county where the proposed transmission line is to be located.

11.5(1) *Petition and exhibits.* A petition for a new franchise shall be filed on forms prescribed by the board, be notarized, and have all required exhibits attached. The petition shall be attested to by an officer, official, or attorney with authority to represent the electric company. The following exhibits shall be filed with the petition:

a. Exhibit A. A legal description of the route. The description shall include the name of the county, the maximum and nominal voltages, the beginning point and endpoint of the transmission line, the termini of the transmission line, the

total mileage, and whether the route is on public, private, or railroad right-of-way. In the case of multicounty projects, the description shall identify all counties involved in the total project and the termini located in other counties. When the route is in or adjacent to the right-of-way of a named road or a railroad, the exhibit shall specifically identify the road or railroad by name.

b. Exhibit B.

(1) A map showing the route of the transmission line drawn with reasonable accuracy, considering the scale. The map may be to any scale appropriate for the level of detail to be shown but may not be smaller than one inch to the mile and shall be legible when printed on paper no larger than 11 by 17 inches. The filing company is to provide the following information:

1. The route of the transmission line that is the subject of the petition, including beginning point and endpoint and, when the transmission line is parallel to a road or railroad, which side the line is on. Line sections with multiple-circuit construction or underbuild shall be designated. The voltage at which other circuits are operated and ownership of other circuits or underbuild shall be indicated.
2. The name of the county, county and section lines, section numbers, and township and range numbers.
3. The location and identity of roads, named streams and bodies of water, and any other pertinent natural or man-made features or landmarks influencing the route.
4. The names and corporate limits of cities.
5. The names and boundaries of any public lands or parks, recreational areas, preserves or wildlife refuges.
6. All electric lines, including lines owned by the electric company, within six-tenths of a mile of the route, including the voltage at which the lines are operated, whether the lines are overhead or buried, the locations where the lines cross should the lines cross, and the names and addresses of the owners. Any electric lines to be removed or relocated shall be designated.
7. The location of railroad rights-of-way, including the names and addresses of the owners.
8. The location of airports or landing strips within one mile of the route, along with the names and addresses of the owners.
9. The location of pipelines used for the transportation of any solid, liquid, or gaseous substance, except water, within six-tenths of a mile of the route, along with the names and addresses of the owners.
10. The names and addresses of the owners of telephone, communication, or cable television lines within six-tenths of a mile of the route. The location of these lines need not be shown.
11. The names and addresses of the owners of rural water districts organized pursuant to Iowa Code chapter 357A that have facilities within six-tenths of a mile of the route. The location of these facilities need not be shown.
12. The locations of any buildings and any grain bins within approximately 100 feet of the route.

(2) A map of the entire route to be franchised if the route is located in more than one county or there is more than one map for a county.

c. Exhibit C. Technical information and engineering specifications describing typical materials, equipment and assembly methods as specified on forms provided by the board.

d. Exhibit D. The exhibit shall consist of a written text containing the following:

(1) An affidavit with an allegation and supporting information that the transmission line is necessary to serve a public use and represents a reasonable relationship to an overall plan of transmitting electricity in the public interest with any additional substantiated allegations as may be required by Iowa Code section 478.3(2).

(2) If the route or any portion thereof is not near and parallel to roads or railroad rights-of-way, or along division lines of the lands, according to government surveys, an explanation of why such parallel routing is not practicable or reasonable.

(3) A statement regarding the availability of routes on an existing electric line right-of-way and an explanation of why this route was not selected.

(4) Any other information or explanation in support of the petition.

(5) If a new franchise is sought for an existing transmission line, historical information regarding the prior franchise.

(6) The status of any other authorizations the electric company is required to obtain to construct the proposed transmission line.

e. Exhibit E. This exhibit is required only if the petition requests the right of eminent domain. This exhibit shall be in its final form prior to issuance of the official notice by the board and approval of the eminent domain notice required by Iowa Code section 478.6(2). The exhibit shall consist of a map of the route showing the location of each property for which the right of eminent domain is sought, and for each property:

(1) The legal description of the property.

(2) The legal description of the desired easement.

(3) A specific description of the easement rights being sought.

(4) The names and addresses of all affected persons.

(5) A map drawn to an appropriate scale showing the boundaries of the property, the boundaries and dimensions of the proposed easement, the location of all electric lines and supports within the proposed easement, the location of and distance to any building within 100 feet of the proposed transmission line, and any other features pertinent to the location of the transmission line, the supporting structures, or the rights being sought.

(6) An affidavit affirming and describing the good-faith effort undertaken and the review of land records performed to identify all affected persons for all parcels over which the electric company is seeking eminent domain. The affidavit shall be signed by an attorney representing the electric company.

f. Exhibit F. The showing of notice to all persons identified in numbered paragraphs 11.5(1)*"b"*(1)"6" through 11.5(1)*"b"*(1)"11" and to the Iowa department of transportation. One copy of each letter of notification or one copy of the letter accompanied by a written statement listing all persons that were sent the notice, the date of mailing, and a copy of the map sent with the letters shall accompany the petition when it is filed with the board.

g. Exhibit G. The affidavit required by Iowa Code section 478.3(2)*"c"* on the holding of an informational meeting. Copies of the mailed notice letter and the published notice(s) of each informational meeting shall be attached to the affidavit. This exhibit is required only if an informational meeting was conducted.

h. Exhibit H. This exhibit is required only if the petition requests separate pole lines as identified in rule 199—11.11(478). This exhibit shall contain a request describing in detail the good cause for the board to authorize the construction of separate pole lines.

i. Other exhibits. The board may require filing of additional exhibits if further information is deemed necessary.

11.5(2) *Notice of franchise petition.*

a. Whenever a petition for a new franchise is filed with the board, the board shall prepare a notice addressed to the citizens of each county through which the transmission line or lines extend. The electric company shall cause this notice to be published in a newspaper of general circulation in each county for two consecutive weeks and file proof of publication with the board. This published notice shall constitute sufficient notice to all persons of the proceeding, except owners of record and persons in possession of land to be crossed for which voluntary easements have not been obtained at the time of the first publication of the notice.

b. The electric company shall serve notice in writing of the filing of the petition on the affected persons over which easements have not been obtained. The served notices shall be by ordinary mail, addressed to the last-known address, mailed not later than the first day of publication of the official notice. One copy of each letter of notification, or one copy of the letter accompanied by a written statement listing all persons to which it was mailed and the date of mailing, shall be filed with the board not later than five days after the date of second publication of the official notice. The electric company shall file a statement describing the action taken to ensure that the company has identified the names and addresses of all affected persons over which voluntary easements have not been obtained.

c. Published notices of petitions for franchise shall include provisions whereby interested persons can examine a map of the route. When the petition is filed, the electric company shall state whether a map is to be published with the notice or whether the notice is to include a telephone number and an address through which persons may request a map from the electric company at no cost. The map need not be as detailed as the Exhibit B map but shall include the proposed route, section lines, section and township numbers, roads and railroads, city boundaries, and rivers and named bodies of water. A copy of this map shall be filed with the petition.

11.5(3) *Notice to other persons.* The electric company shall give written notice, by ordinary mail, mailed at the time the petition is filed with the board and accompanied by a map showing the route of the proposed electric transmission line, to the persons identified in numbered paragraphs 11.5(1)*"b"*(1)"6" through 11.5(1)*"b"*(1)"11" and to the Iowa department of transportation. One copy of each letter of notification or one copy of the letter accompanied by a written statement listing all persons that were sent the notice, the date of mailing, and a copy of the map sent with the letters shall accompany the petition when it is filed with the board.

11.5(4) *Eminent domain notice.* If an electric company is requesting the right of eminent domain over property as part of a petition for a new franchise, notice shall be provided pursuant to subrule 11.10(1).

199—11.6(478) Petition for an amendment to a franchise. A petition for an amendment of a franchise shall include the same exhibits and information required for a new franchise. Prior to the filing of any petition for an amendment to a franchise

where an electric company must obtain new or additional interests in real property for a total of one route mile or more, informational meetings shall be held that meet the requirements of rule 199—11.4(478).

11.6(1) When a petition for amendment is required. A petition for amendment of a franchise shall be filed with the board for approval when the electric company is:

a. Increasing the operating voltage of any electric line, the level to which it is capable of operating, or to a voltage greater than that specified in the existing franchise.

b. Constructing an additional line that is capable of operating at a nominal voltage of 69 kV or more on a previously franchised line, where an additional 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, that 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).

11.6(2) When a new transmission line is proposed in a county where the electric company has a countywide franchise for all of the electric company's transmission lines in a county, the new transmission line will be included in the countywide franchise as an amendment to the countywide franchise.

11.6(3) When an existing franchise in a county is proposed to be combined with another existing franchise in a county, a petition for an amendment of the franchise with the latest expiration date shall be filed to combine the transmission lines into one of the existing franchises.

11.6(4) An amendment to a franchise shall not be required for a voltage increase, additional circuit, or electric line relocation where such activity takes place entirely within the boundaries of property owned by an electric company or an end user.

11.6(5) Notice of a petition for franchise amendment. A petition for an amendment to a franchise requires the same notice as a petition for a new franchise as described in rule 199—11.5(478).

11.6(6) Eminent domain notice. If an electric company is requesting the right of eminent domain over property as part of a petition for amendment of a franchise, notice shall be provided pursuant to subrule 11.10(1).

199—11.7(478) Petition for the abbreviated franchise process.

11.7(1) *Eligibility for abbreviated franchise process.* Petitions for an electric franchise or an amendment to a franchise may be filed pursuant to the abbreviated franchise process set forth in Iowa Code section 478.1(5) if the following requirements are met:

a. The project consists of the conversion, upgrading, or reconstruction of an existing electric line operating at 34.5 kV to a line capable of operating at 69 kV.

b. The project will be on substantially the same right-of-way as an existing 34.5 kV line. For purposes of this subrule, "substantially the same right-of-way" means that the new or additional interests in private property right-of-way will be required for less than one mile of the proposed project length. Easements required for conductor and crossarm overhang of private property or for anchor easements shall not be considered when determining the length of additional interests in private property right-of-way.

c. The project will have substantially the same effect on the underlying properties as the existing 34.5 kV line.

d. The completed transmission line will comply with the Iowa electrical safety code found in 199—Chapter 25.

e. The electric company does not request the power of eminent domain.

f. The electric company agrees to pay all costs and expenses of the franchise proceeding.

11.7(2) *Petition using abbreviated process.* A petition for a new franchise or an amendment to a franchise filed pursuant to the abbreviated franchise process set forth in Iowa Code section 478.1(5) shall be made on forms prescribed by the board, notarized, and have all required exhibits attached. The exhibits required to be attached are as follows:

a. Exhibit A. A legal description of the route. The description shall include the name of the county, the maximum and nominal voltages, the beginning point and endpoint of the transmission line, the termini of the transmission line, the total mileage, and whether the route is on public, private, or railroad right-of-way. When the route is in or adjacent to the right-of-way of a named road or a railroad, the exhibit shall specifically identify the road or railroad by name. The description shall identify any termini located in other counties.

b. Exhibit B. A map showing the route of the transmission line drawn with reasonable accuracy, considering the scale. The map may be to any scale appropriate for the level of detail to be shown but not smaller than one inch to the mile and legible when printed on paper no larger than 11 by 17 inches. The following information shall be provided:

(1) The route of the transmission line that is the subject of the petition, including the beginning point and endpoint and, when the transmission line is parallel to a road or railroad, the side on which the line is located. Line sections with multiple-circuit construction or underbuild shall be designated. The voltage at which other circuits are operated and ownership of other circuits or underbuild shall be indicated.

(2) The name of the county, county and section lines, section numbers, and township and range numbers.

(3) The location and identity of roads, railroads, named streams and bodies of water, and any other pertinent natural or man-made features or landmarks influencing the route.

(4) The names and corporate limits of cities.

(5) If any deviation from the existing route is proposed, the original and proposed routes shall be shown and identified.

(6) The location and identity of electric transmission lines that cross the proposed route.

(7) The locations of any buildings and any grain bins within approximately 100 feet of the route.

c. Exhibit C. Technical information and engineering specifications describing typical materials, equipment, and assembly methods as specified on forms provided by the board.

d. Exhibit D. The exhibit shall consist of written text containing the following:

(1) A listing of any existing franchises that would be terminated or amended in whole or in part by this petition, including the docket number, franchise number, date of issue, county of location, and to whom the franchise is granted.

(2) An allegation, with supporting testimony, that the project is eligible for the abbreviated franchise process.

(3) An allegation, with supporting testimony, that the project is necessary to serve a public use and represents a reasonable relationship to an overall plan of transmitting electricity in the public interest.

(4) An explanation for any deviations from the existing transmission line route.

(5) A statement regarding the availability of routes on an existing electric line right-of-way and an explanation of why this route was not selected.

e. Exhibit E. A statement that the right of eminent domain is not being requested.

f. Exhibit F. The exhibit shall consist of a showing of notice to other electric, pipeline, telephone, communication, cable television, rural water district, and railroad companies that have facilities that are crossed by or in shared right-of-way with the proposed transmission line.

g. Exhibit G. The exhibit shall consist of the form of notice to be mailed in accordance with subrule 11.7(3) to owners of and persons in possession of or residing on property where construction shall occur.

h. Exhibit H. This exhibit is required if the petition requests separate pole lines. This exhibit shall contain a request describing in detail the good cause for the board to authorize the construction of separate pole lines.

11.7(3) *Notice of franchise or amendment to franchise under abbreviated franchise process.*

a. One month prior to commencement of construction, an electric company shall provide written notice concerning the anticipated construction to the last-known address of the owners of record of the property where construction will occur and to persons in possession of or residing on such property. Notices may be served by ordinary mail, addressed to the last-known address of the owners of record of the property and to persons residing on such property. The electric company shall make a good-faith effort to identify and notify all owners of record and persons residing on the property.

b. The notice shall include the following information:

(1) A description of the purpose of the project and the nature of the work to be performed.

(2) A copy of the Exhibit B map.

(3) The estimated dates the construction or reconstruction will commence and end.

(4) The name, address, telephone number, and email address of a representative of the electric company who can respond to inquiries concerning the anticipated construction.

c. For the purposes of this rule, "construction" means physical entry onto private property by personnel or equipment for the purpose of rebuilding or reconstructing the transmission line.

d. After the form is mailed to the recipients, the company will file a copy of the final form and the date of mailing.

199—11.8(478) Petition for extension of franchise.

11.8(1) *Petition and exhibits.* A petition for an extension of a franchise shall be made on forms prescribed by the board; attested to by an officer, official, or attorney with authority to represent the electric company; and have all required exhibits

attached. For a transmission line that extends into more than one county, the electric company may file a petition to combine the separate county franchises into one franchise for the entire transmission line.

a. Exhibit A. A legal description of the route. The description shall include the name of the county, the maximum and nominal voltages, the beginning point and endpoint of the transmission line, the termini of the transmission line, the total mileage, and whether the route is on public, private, or railroad right-of-way. When the route is in or adjacent to the right-of-way of a named road or a railroad, the exhibit shall identify the road or railroad by name. The description shall identify any termini located in other counties.

b. Exhibit B. A map showing the route of the transmission line drawn with reasonable accuracy, considering the scale. The map may be to any scale appropriate for the level of detail to be shown but not smaller than one inch to the mile and legible when printed on paper no larger than 11 by 17 inches. The following information shall be provided:

(1) The route of the transmission line that is the subject of the petition, including beginning point and endpoint and, when the transmission line is parallel to a road or railroad, which side the line is on. Line sections with multiple-circuit construction or underbuild shall be designated. The voltage at which other circuits are operated and ownership of other circuits or underbuild shall be indicated.

(2) The name of the county, county and section lines, section numbers, and township and range numbers.

(3) The location and identity of roads, railroads, named streams and bodies of water, and any other pertinent natural or man-made features or landmarks influencing the route.

(4) The names and corporate limits of cities.

(5) The location and identity of electric transmission lines that cross the route.

(6) The locations of any buildings and any grain bins within approximately 100 feet of the route.

c. Exhibit C. Technical information and engineering specifications describing typical materials, equipment and assembly methods as specified on forms provided by the board.

d. Exhibit D. The exhibit shall consist of a written text containing the following:

(1) A listing of all existing franchises for which extension in whole or in part is sought, including the docket number, franchise number, date of issue, county of location, and to whom granted.

(2) A listing of all amendments to the franchises listed in subparagraph 11.8(1)*"d"*(1), including the docket number, amendment number, date of issue, and purpose of the amendment.

(3) A description of any substantial rebuilds, reconstructions, alterations, relocations, or changes in operation not included in a prior franchise or amendment proceeding.

(4) A description of any changes in ownership or operating and maintenance responsibility.

(5) An allegation, with supporting testimony, that the transmission line remains necessary to serve a public use and represents a reasonable relationship to an overall plan of transmitting electricity in the public interest.

(6) Any other information or explanation in support of the petition.

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. 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.

11.8(3) *When petition for extension unnecessary.* An extension of franchise is unnecessary for an electric line that is capable of operating at 69 kV or more when the electric line has been permanently retired from operation and the board has been notified of the retirement. The notice to the board shall include the franchise number and issue date, the docket number, and, if the entire franchised line is not retired, a map showing the location of the portion retired.

11.8(4) *Petition for extension of countywide franchise.* A petition for an extension of a countywide franchise shall include all of the franchised lines owned by the electric company and within one county and a statement of whether the published notice will contain a legal description of the route or will include a telephone number and an address through which persons may request a map from the electric company at no cost. The map shall comply with the requirements in subrule 11.8(6). A copy of this map shall be filed with the petition.

11.8(5) *Notice of petition for extension.* Whenever a petition for an extension of a franchise is filed with the board, the board shall prepare a notice addressed to the citizens of each county through which the transmission line or lines extend. The electric company shall cause this notice to be published for two consecutive weeks in a newspaper of general circulation in each county where the proposed line is to be located. Proof of publication shall be filed with the board. This published notice shall constitute sufficient notice to all affected persons where the existing line is located.

11.8(6) *Maps in published notice.* Published notices of petitions for franchise shall include provisions whereby interested persons can examine a map of the route. When the petition is filed, the electric company shall state whether a map is to be published with the notice or whether the notice is to include a telephone number and an address through which persons may request a map from the electric company at no cost. The map shall include the proposed route, section lines, section and township numbers, roads and railroads, city boundaries, and rivers and named bodies of water. A copy of this map shall be filed with the petition.

199—11.9(478) Additional requirements.

11.9(1) *Forms.* An electric company shall use the appropriate form or forms available on the board's website when filing a petition, an amendment to an existing franchise, or an extension of an existing franchise. All filings shall be filed pursuant 199—Chapter 14.

11.9(2) *Segmental ownership.* Petitions covering transmission line routes having segments of the total transmission line with different owners shall establish that the entire transmission line is necessary to serve a public use and represents a reasonable relationship to an overall plan of transmitting electricity in the public interest. Such a petition shall include documentation showing that the different owners have agreed to the construction being proposed in the petition.

11.9(3) *Compliance with Iowa electrical safety code.* If review of Exhibit C, or inspection of an existing electric line that is the subject of a franchise petition, finds noncompliance with 199—Chapter 25, the Iowa electrical safety code, the board may delay final action on the petition or otherwise require a satisfactory showing by the electric company that the areas of noncompliance have been or will be corrected. Disputed safety code compliance issues will be resolved by the board.

11.9(4) *Statement of damage claims.*

a. A petition proposing transmission line construction shall not be acted upon by the board if the electric company does not file with the board a written statement as to how damages resulting from the construction of the transmission line will be determined and paid.

b. The statement shall contain the following information: the type of damages that will be compensated for, how the amount of damages will be determined, the procedures by which disputes may be resolved, the manner of payment, and the procedures that the affected persons are to follow to obtain a determination of damages.

c. The statement shall be amended as necessary to reflect changes in the law, company policy, or the needs of a specific project.

d. A copy of this statement shall be mailed with the notice of informational meeting as provided for in Iowa Code section 478.2(3). Where no informational meeting is required, a copy shall be provided to each affected person prior to entering into negotiations for payment of damages.

e. Nothing in this rule shall prevent a person from negotiating with the electric company for terms that are different from, more specific than, or in addition to those in the statement filed with the board.

11.9(5) *Route study.* If a hearing on a petition is required by Iowa Code section 478.6(1), an electric company shall file a route study, if conducted, with the board at the earlier of either the electric company's next revised petition filing or its testimony in support of the petition after the board orders a hearing.

199—11.10(478) Notices.

11.10(1) *Notice of eminent domain proceedings.* If a petition for a franchise or amendment of franchise seeks the right of eminent domain, the electric company shall, in addition to publishing a notice of hearing, serve a written notice pursuant to Iowa Code section 478.6(2) on the landowners and any affected person for all parcels over which eminent domain is sought. The eminent domain notice shall be filed with the board for approval. Service shall be by certified U.S. mail, return receipt requested, and addressed to the person's last-known address. This notice shall be mailed no later than the first day of publication of the official notice of hearing concerning the petition.

a. The notice of eminent domain proceedings shall include the following:

(1) A copy of the Exhibit E filed with the board for the affected property.

(2) The proposed route of the electric transmission line.

(3) The eminent domain rights being sought over the property.

(4) The date, time and location of the hearing and a description of the hearing procedures, which includes the website address for the board's electronic filing system and contact information of the board's customer service section.

(5) The statement of individual rights pursuant to Iowa Code section 6B.2A(1).

b. Not less than five days prior to the date of hearing, the electric company shall file with the board the return receipt for the certified notice.

11.10(2) *Notice of franchised line construction.*

a. Within 90 days after completion of a transmission line construction or reconstruction project authorized by a franchise or amendment to franchise, the holder of the franchise shall notify the board in writing of the completion. The notice shall include the franchise and docket numbers and the date the franchise was issued.

b. If the project is not completed within two years after the date of issuance of the franchise or amendment to franchise, the electric company shall file a progress report regarding construction of the transmission line.

c. If construction of the transmission line authorized by a franchise has not commenced within two years of the date the franchise is granted, or within two years after final disposition of judicial review of a franchise order or of condemnation proceedings, the franchise shall be forfeited unless the electric company petitions the board for an extension of time to commence construction. The board may grant the extension if good cause is shown for the failure to commence construction.

d. Final petition Exhibits A and B shall be filed with a notice of franchised line construction. The board may require the filing of a revised Exhibit C if the board determines, after inspection, that such filing is warranted.

11.10(3) *Notice of transfer or assignment of franchise.* The holder of a franchise shall notify the board when transferring any franchise or portion of a franchise, stating the applicable franchise number and docket number that are affected, in addition to the name of the transferee and date of transfer, not more than 30 days after the effective date of the transfer. If the entire franchise is not transferred, a description of the route and a map showing the transferred and not transferred portions shall be included with the notice.

11.10(4) *Notice of modification not requiring an amendment to a franchise.* Whenever a transmission line under franchise is relocated, reconstructed with different materials or specifications than those that appear on the most recent Exhibit C, 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, or a transmission line is permanently removed, the holder of the franchise shall notify the board in writing of the construction, stating the franchise and docket numbers and date of franchise issuance for the affected transmission line, and providing revised Exhibits A, B, and C, as applicable, that reflect the changes in the route, materials, and specifications, not more than 30 days after the completion of the construction or removal.

199—11.11(478) Common and joint use.

11.11(1) *Common use construction.* Whenever an overhead electric line capable of operating at 69 kV or more is built or rebuilt on public road rights-of-way located outside of cities, all parallel overhead electric supply circuits on the same road right-of-way shall be attached to the same or common line of structures unless the board authorizes, for good cause shown, the construction of separate pole lines.

11.11(2) *Relocating lines.* When a transmission line is to be constructed in a location occupied by an electric line or a communication line, the expense of relocating the existing line shall be borne by the electric company proposing the new transmission line. The electric company proposing the new transmission line shall not be required to pay any part of the used life of the existing line, but shall pay the nonbetterment expense of relocating the existing line.

199—11.12(478) Termination of franchise petition proceedings.

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.

11.12(2) *Failure to respond.* If an electric company fails to respond to written notification by the board, to correct an incomplete or deficient franchise petition, or to publish the official notice after the form of notice is provided by the board, the board may dismiss the petition as abandoned. If dismissal would cause an existing transmission line to be without a franchise, the board may also pursue imposition of civil penalties.

199—11.13(478) Fees and expenses. The electric company shall pay the actual cost incurred by the board attributable to the processing, investigation, and inspection related to a petition requesting an electric franchise, an amendment to an electric franchise, or an extension of an electric franchise.

These rules are intended to implement Iowa Code chapter 478.