Regulatory Analysis

Notice of Intended Action to be published: 199—Chapters 3, 4, 6, 7, 9, 11, 13, 14, 18, 20, 24, 25, 26, 31, 33, and 39
"Review of Utilities Commission Rules"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A.3, 17A.4, 17A.9, 474.4, 474.5, 476, 476.1, 476.1B, 476.2, 476.73, 476.74, 476A.12, 478.19, 478.20, 479, and 479B

State or federal law(s) implemented by the rulemaking: Iowa Code sections 17A.2, 17A.3, 17A.4, 17A.5, 17A.6, 17A.7, 17A.9, 474.5, 476.1, 476.2, 476.3, 476.6, 476.7, 476.8, 476.20, 476.31, 476.33, 476.54, 476.66, 476.73, 476.74, 476.78, 476.83, 476.95B, 476.102, 476A, 478, 478.18, 478.19, 478.20, 479, 479.29, 479B, 479B.20, and 546.7 and 47 U.S.C. sections 214(e) and 254

Public Hearing

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

December 22, 2025 9 a.m.	Commission Hearing Room 1375 East Court Avenue Des Moines, Iowa

Public Comment

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

IT Support
Iowa Utilities Commission
Phone: 515.725.7300
Email: ITsupport@iuc.iowa.gov

Purpose and Summary

This rulemaking is proposed to ensure that the Commission's rules contain correct citations and grammar post-Executive Order 10 review. This will help make utility regulation more efficient in Iowa.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

Entities providing service within the State of Iowa will bear the costs of the proposed rulemaking. This proposed rulemaking touches many different chapters, which will affect all types of utilities within the State, including those telecommunications carriers that provide universal service.

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

Everyone within the State of Iowa will benefit from the proposed rulemaking. This proposed rulemaking will help ensure the rules within the agency's purview are updated and discrepancies are found since the completion of the agency's Executive Order 10 review.

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:**

The agency does not directly charge a fee to participate in its proceedings; therefore, the proposed rulemaking does not have a strong economic impact against individuals themselves. Costs may be incurred through the activities themselves through normal operating costs to be involved in such proceedings, and utilities/entities that are allocated costs by the agency are assessed in accordance with agency rules. These costs are more directly attributable to the underlying nature of the action itself.

- **Qualitative description of impact:**

The agency's rules have a level of qualitative impact because they assist Iowans and entities doing business within Iowa to know what to expect when doing business in Iowa and coming before the agency within a proceeding. By making the rules as sensible as possible, all Iowans and entities within Iowa benefit.

3. **Costs to the State:**

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

The only cost to the agency is the cost of the daily operation of the Commission and the salary of the employees; there are no additional costs that will be borne by the agency or any other agency.

- **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:**

The agency believes that the benefits of providing the best set of rules outweigh any costs that this rulemaking may indirectly impose. Inaction, or waiting until an individual chapter's next review, is not advisable since that may be three to four years away and could cost ratepayers more at a later time.

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

The majority of these changes must be done through a rulemaking, so there are no less intrusive methods for achieving the purposes of the rulemaking.

6. **Alternative methods considered by the agency:**

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

Waiting for the next review was considered, but as stated above, that could be three to four years in the future and some of these changes should be made more expediently.

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

Some of these changes need to be made more expediently than another method would allow.

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 rulemaking has an adverse impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind rule 199—3.6(17A,474) and adopt the following **new** rule in lieu thereof:

199—3.6(17A,474) Review of rules. The commission will review its rules pursuant to Iowa Code sections 17A.4 and 17A.7(2).

ITEM 2. Amend rule 199—4.2(17A), introductory paragraph, as follows:

199—4.2(17A) Intervention. A person having an interest in the subject matter of a petition for a declaratory order may file with the commission a petition for intervention pursuant to ~~the "Intervention" rule contained in 199—Chapter 7~~ rule 199—7.13(17A,476) within 20 days of the filing of a petition for a declaratory order. The commission may at its discretion entertain a late-filed petition for intervention. A petition for intervention in a proceeding on a petition for declaratory order shall be dated, be signed by the prospective intervenor with that person's appropriate contact information, include the information set forth in ~~the "Intervention" rule contained in 199—Chapter 7~~ rule 199—7.13(17A,476), and include all of the following:

ITEM 3. Amend rule 199—4.4(17A) as follows:

199—4.4(17A) Service and filing of petitions. At the same time a petition for a declaratory order is filed, the petitioner shall serve the petition, in accordance with ~~the "Service of documents" subrule in 199—Chapter 7~~ 199—subrule 7.4(5) and ~~the "Electronic service" rule in 199—Chapter 14~~ rule 199—14.14(17A,476), upon any person who, based upon a reasonable investigation, would be a necessary party to the proceeding under applicable substantive law. The petitioner is to file with the commission a list of all persons served.

ITEM 4. Amend subrule 6.4(1) as follows:

6.4(1) After the utility's response is received, commission staff may request additional information deemed necessary to complete the investigation and resolve the complaint. When all necessary information has been received and the investigation is complete, commission staff shall, within 30 days, send a letter with a proposed resolution of the complaint to the complainant, the utility, and the consumer advocate. Staff shall notify the complainant, the utility, and consumer advocate when the investigation is complete and the 30-day time period to issue a proposed resolution commences. A staff finding that the utility subject to a complaint has properly followed Iowa law, the commission's rules, the company's tariff, or a combination thereof, or a finding that the company has resolved the complaint, may be considered sufficient to satisfy the proposed resolution requirement.

ITEM 5. Amend rule 199—6.8(476), introductory paragraph, as follows:

199—6.8(476) Special procedures for complaints alleging unauthorized changes in telecommunications services. Notwithstanding the deregulation of a communications service or facility pursuant to Iowa Code section 476.1D, complaints alleging an unauthorized change in telecommunications service (more information is contained in ~~the "Unauthorized changes in telecommunications service" rule in 199—Chapter 22~~ rule 199—22.9(476)) will be processed pursuant to this chapter with the following additional or substituted procedures:

ITEM 6. Amend paragraph **7.4(2)"a"** as follows:

a. Electronic communications. Unless otherwise specifically provided, all electronic communications and documents are officially filed when they are accepted for filing as defined in rule 199—14.3(17A,476). The electronic service provisions in ~~the "electronic service" rule in 199—Chapter 14~~ rule 199—14.14(17A,476) apply.

ITEM 7. Amend subrule 7.4(5) as follows:

7.4(5) *Service of documents.*

a. Method of service.

(1) Paper service. Paper service of filings is only necessary on those parties, or persons, whom the commission has approved to receive paper service. All filings served by paper are to be filed electronically pursuant to ~~the "electronic service" rule in 199—Chapter 14~~ rule 199—14.14(17A,476) in the appropriate docket in the electronic filing system, include a certificate of service, and be served on the consumer advocate.

(2) Electronic service. The commission's rule regarding electronic service is ~~the "electronic service" rule in 199—Chapter 14~~ rule 199—14.14(17A,476).

(3) Service of documents containing confidential information. Parties may condition the service of unredacted documents containing confidential information on the execution of a confidentiality agreement. If the parties are unable to agree on a confidentiality agreement, they may ask the commission or presiding officer to issue an appropriate order.

b. Date of service.

(1) Paper service. Unless otherwise ordered by the commission or presiding officer, the date of service is the day when the document served is deposited in the United States mail or overnight delivery, is delivered in person, or otherwise as the parties may agree. Although service is effective, the document is not deemed filed with the commission until it is received by the commission.

(2) The commission's rule regarding electronic service is ~~the "electronic service" rule in 199—Chapter 14~~ rule 199—14.14(17A,476).

c. Service upon attorneys. When a party has appeared by attorney, service upon the attorney is deemed proper service upon the party.

ITEM 8. Amend subrule 7.23(10) as follows:

7.23(10) *Record.* The record of the case is maintained in the commission's electronic filing system. Unless the record is held confidential pursuant to ~~the "public information and inspection of records" rule in 199—Chapter 1~~ rule 199—1.7(22), parties and members of the public may examine the record and obtain copies of documents, including the transcript, when available.

ITEM 9. Amend paragraph **7.23(11)"e"** as follows:

e. A presiding officer's decision denying a motion to vacate is subject to further appeal within the time limit allowed for further appeal of a decision on the merits in the contested case. A presiding officer's decision granting a motion to vacate is subject to interlocutory appeal by the adverse party pursuant to ~~the "interlocutory appeals" rule of 199—Chapter 7~~ rule 199—7.25(17A,476).

ITEM 10. Amend paragraph **7.23(11)"g"** as follows:

g. A default decision may award any relief consistent with the record in the case. The default decision may provide either that the default decision is to be stayed pending a timely motion to vacate or that the default decision is to take effect immediately, subject to a timely motion to vacate, an appeal pursuant to ~~the "appeals to commission from a proposed decision of a presiding officer" rule of 199—Chapter 7~~ rule 199—7.26(17A,476), or a request for stay pursuant to ~~the "rehearing and reconsideration" rule of 199—Chapter 7~~ rule 199—7.27(17A,476).

ITEM 11. Amend paragraph **9.2(1)"d"** as follows:

d. The point of contact for landowner inquiries or claims as provided for in rule ~~199—9.5(479,479B)~~ 199—9.6(479,479B).

ITEM 12. Amend subparagraph **11.5(1)"b"(1)** as follows:

(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 not smaller than one inch to the mile and is to be legible when printed on paper no larger than 11 by 17 inches. ~~The filing company shall provide the following information:~~ The filing company shall include necessary data files with geographical identifiers that are readable by common internet

or software mapping applications (KMZ, shapefile, JSON, etc.) showing the proposed route of the transmission line. The following minimum information shall be provided on the maps:

1. to 12. No change.

ITEM 13. Adopt the following **new** subparagraph **11.5(1)"e"(7)**:

(7) An updated electronic file with geographic identifiers as required by paragraph 11.5(1)*"b"* to show the locations and boundaries of the property and the easement boundaries for which the electric company is seeking eminent domain.

ITEM 14. Amend paragraph **11.7(2)"b"** as follows:

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:~~ The filing company shall include necessary data files with geographical identifiers that are readable by common internet or software mapping applications (KMZ, shapefile, JSON, etc.) showing the proposed route of the transmission line. The following minimum information shall be provided on the maps:

(1) to (7) No change.

ITEM 15. Amend paragraph **11.7(2)"e"** as follows:

e. Exhibit E. A statement that the right of eminent domain is not being requested~~.~~ and an updated electronic file with geographic identifiers as required by paragraph 11.5(1)*"b."*

ITEM 16. Amend paragraph **11.8(1)"b"** as follows:

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:~~ The filing company shall include necessary data files with geographical identifiers that are readable by common internet or software mapping applications (KMZ, shapefile, JSON, etc.) showing the proposed route of the transmission line. The following minimum information shall be provided on the maps:

(1) to (6) No change.

ITEM 17. Amend rule 199—14.8(17A,476) as follows:

199—14.8(17A,476) Maps, plan and profile drawings, and other oversized documents. Any map, plan and profile drawing, or oversized document that is to be filed with the commission should be electronically filed as a PDF (Portable Document Format) or such electronic format as designated by the commission. If the map, drawing, or oversized document cannot be printed on ~~11- by 17-inch~~ 11" by 17" or smaller-sized paper in legible and usable form, as determined by the commission, the original and four paper copies of each map, drawing, or other document filed pursuant to this rule should also be filed unless more copies are directed by commission order or request. Maps and other documents should be drawn to a scale appropriate for the level of detail to be shown. However, if the map, drawing, or other document is not electronically filed, then the number of paper copies filed is governed by other applicable rules, including ~~the "hearings" rule in 199—Chapter 7~~ rule 199—7.23(17A,476), which concerns the required number of copies for evidence introduced at hearing, and 199—Chapter 26, which contains additional requirements regarding the number of paper copies of minimum filing requirements required to be filed in rate and tariff proceedings.

ITEM 18. Amend subrule 14.14(2) as follows:

14.14(2) *Service on parties for whom electronic service is not available.* The service list in each proceeding will be available in EFS. The list will identify the representatives for each party and will also indicate the parties for whom electronic service is not available. A filer is to serve a paper copy of any electronically filed document on parties entitled to paper service under ~~the "general information" rule in 199—Chapter 7~~ rule 199—7.4(17A,474,476) unless the parties agree to other arrangements.

The date of service is the day when the document served is deposited in the United States mail or overnight delivery, is delivered in person, or otherwise as the parties may agree. A party serving a paper copy of any electronically filed document on a person for whom electronic service is not available is to file a certificate of service stating the manner in which service on such person was accomplished.

ITEM 19. Amend subrule 18.4(1) as follows:

18.4(1) *Units of property.* Rate-regulated electric utilities shall maintain an accounting system for Units of Property in Accounting for Additions and Retirements of Electric Plant in accordance with ~~the "Uniform systems of accounts—electric rules" rule in 199—Chapter 16~~ rule 199—16.2(476).

ITEM 20. Amend subrule 18.6(1) as follows:

18.6(1) *Units of property.* Rate-regulated gas utilities shall maintain an accounting system for Units of Property in Accounting for Additions and Retirements of Gas Plant in accordance with ~~the "Uniform systems of accounts—electric rules" rule in 199—Chapter 16~~ rule 199—16.3(476).

ITEM 21. Amend subrule 18.7(1) as follows:

18.7(1) *Units of property.* Rate-regulated water, sanitary sewage, and storm water drainage utilities shall maintain an accounting system for Units of Property in Accounting for Additions and Retirements of Water Plant in accordance with ~~the "Uniform systems of accounts—electric rules" rule in 199—Chapter 16~~ rule 199—16.5(476).

ITEM 22. Amend paragraph **20.3(1)"d"** as follows:

d. Master-metering to multiple buildings is prohibited, except for multiple buildings owned by the same person or entity. Multitenant buildings within a multiple building complex may be master-metered pursuant to this paragraph only if the requirements of paragraph ~~20.3(1)*"c"*~~ 20.3(1)*"b"* have been met.

ITEM 23. Amend subrule 24.14(2) as follows:

24.14(2) In addition to any other service requirements, an applicant requesting a waiver must serve a copy of the waiver on all owners ~~or~~ of record of real property that adjoins the proposed facility site.

ITEM 24. Amend subparagraph **25.2(2)"b"(4)** as follows:

(4) Except for clearances near grain bins, for measurements made under field conditions, the commission will consider compliance with the overhead vertical line clearance requirements of Subsection 232 and Table 232-1 of the 1987 NESC indicative of compliance with the 1990 through ~~2017~~ 2022 editions of the NESC. (For an explanation of the differences between 1987 and subsequent code edition clearances, see Appendix A of the 1990 through ~~2017~~ 2022 editions of the NESC.)

ITEM 25. Amend paragraph **26.3(1)"b"** as follows:

b. Proposed new or changed rates, charges, schedules, or regulations that contain energy efficiency expenditures and related costs for demand-side programs shall not be included in a utility's proposed tariff that relates to a general increase in revenue. A utility may propose to recover the costs of process-oriented industrial assessments not related to energy efficiency as defined in ~~the definitions rule of 199—Chapter 35~~ rule 199—35.2(476).

ITEM 26. Amend subparagraph **26.4(1)"a"(4)** as follows:

(4) The notice requirements in this paragraph are not applicable to rate increases for telecommunications services. Notice requirements for intrastate access service rates are subject to the requirements of ~~the "intrastate access charge application, tariff procedures, and rates" rule of 199—Chapter 22~~ rule 199—22.4(476).

ITEM 27. Amend subparagraph **26.4(4)"d"(23)** as follows:

(23) All testimony and exhibits in support of the rate filing, attached to affidavits of the sponsoring witnesses. All known and measurable changes in costs and revenues upon which the utility relies in its application shall be included.

1. Unless otherwise required, all testimony, exhibits, and other information shall be filed in the commission's electronic filing system as described in ~~the "Electronic filing procedures and required formats" rule of 199—Chapter 14~~ rule 199—14.5(17A,476). In addition, three paper copies of any documents filed electronically in the commission's electronic filing system, including confidential information, shall be provided to the commission and three copies to the consumer advocate within five days of the date the application is filed. The utility is not required to print voluminous workpapers that only provide supporting information as long as the utility has filed a summary of the information and the utility includes a page in the printed material that indicates the information in the workpapers that has not been printed and where that information is found in the application or minimum filing requirements. The commission or the consumer advocate may request a printed copy of this information if the information is required for review of the application or minimum filing requirements. The paper copies shall be certified by an officer of the utility or by an attorney representing the utility.

2. No change.

ITEM 28. Amend subrule 31.3(2) as follows:

31.3(2) Contracts, arrangements, or other similar transactions with an affiliate where the consideration is not in excess of $250,000 ~~or 5 percent of the capital equity of the utility, whichever is smaller,~~ are exempt from this filing requirement. In lieu of the filing requirement, the public utility shall file on or before June 30 of each year a report of the total amount of each contract, arrangement, or other similar transactions with affiliates qualifying under this exemption. Each affiliate is to be identified separately.

ITEM 29. Amend paragraph **33.5(2)"b"** as follows:

b. Docketing. If the commission finds that reasonable grounds exist to investigate the manual, the commission will docket the filing for investigation. At the time of docketing, the commission will set a procedural schedule that includes a date for an oral presentation and an opportunity to file comments. If the commission finds that there is no reason to investigate, the commission will issue ~~an order stating the reasons for the commission's~~ a decision within 90 days of the date of filing.

ITEM 30. Amend rule 199—39.8(476) as follows:

199—39.8(476) Relinquishment of ETC designation. The commission may permit an ETC to relinquish its designation as such a carrier in any area served by more than one ETC. An ETC that seeks to relinquish its designation for an area served by more than one ETC shall give 30 days' advance notice to the commission and to all other ETCs in the service area of such relinquishment. A carrier that is granted ETC status in connection with a federal universal support program but that ultimately does not receive the support shall, within 30 days after the FCC issues a public notice regarding the award of support, file a notice of relinquishment of the carrier's designation for any service areas where the carrier is not awarded funds and does not plan to offer service.