

476.10 Investigations — expense — appropriation.

1. *a.* In order to carry out the duties imposed upon it by law, the commission may, at its discretion, allocate and charge directly the expenses attributable to its duties to the person bringing a proceeding before the commission, to persons participating in matters before the commission, or to persons subject to inspection by the commission. The commission shall ascertain the certified expenses incurred and directly chargeable by the consumer advocate division of the department of justice in the performance of its duties. The commission and the consumer advocate separately may decide not to charge expenses to persons who, without expanding the scope of the proceeding or matter, intervene in good faith in a commission proceeding initiated by a person subject to the commission's jurisdiction, the consumer advocate, or the commission on its own motion. For assessments in any proceedings or matters before the commission, the commission and the consumer advocate separately may consider the financial resources of the person, the impact of assessment on participation by intervenors, the nature of the proceeding or matter, and the contribution of a person's participation to the public interest. The commission may present a bill for expenses under [this subsection](#) to the person, either at the conclusion of a proceeding or matter, or from time to time during its progress. Presentation of a bill for expenses under [this subsection](#) constitutes notice of direct assessment and request for payment in accordance with [this section](#).

b. The commission shall ascertain the total of the commission's expenses incurred during each fiscal year in the performance of its duties under law. The commission shall add to the total of the commission's expenses the certified expenses of the consumer advocate as provided under [section 475A.6](#). The commission shall deduct all amounts charged directly to any person from the total expenses of the commission and the consumer advocate. The commission may assess the amount remaining after the deduction to all persons providing service over which the commission has jurisdiction in proportion to the respective gross operating revenues of such persons from intrastate operations during the last calendar year over which the commission has jurisdiction. For purposes of determining gross operating revenues under [this section](#), the commission shall not include gross receipts received by a cooperative corporation or association for wholesale transactions with members of the cooperative corporation or association, provided that the members are subject to assessment by the commission based upon the members' gross operating revenues, or provided that such a member is an association whose members are subject to assessment by the commission based upon the members' gross operating revenues. If any portion of the remainder can be identified with a specific type of utility service, the commission shall assess those expenses only to the entities providing that type of service over which the commission has jurisdiction. The commission may make the remainder assessments under this paragraph to some or all persons providing service over which the commission has jurisdiction, based upon estimates of the expenditures for the fiscal year for the utilities commission and the consumer advocate. Not more than ninety days following the close of the fiscal year, the utilities commission shall conform the amount of the prior fiscal year's assessments to the requirements of this paragraph. For gas and electric public utilities exempted from rate regulation pursuant to [this chapter](#), and for providers of telecommunications service required to register with the commission pursuant to [section 476.95A](#) that are exempted from rate regulation pursuant to [this chapter](#), the remainder assessments under this paragraph shall be computed at one-half the rate used in computing the assessment for other persons.

2. *a.* A person subject to a charge or assessment shall pay the commission the amount charged or assessed against the person within thirty days from the time the commission provides notice to the person of the amount due, unless the person files an objection in writing with the commission setting out the grounds upon which the person claims that such charge or assessment is excessive, unreasonable, erroneous, unlawful, or invalid. Upon receipt of an objection, the commission shall set the matter for hearing and issue its order in accordance with its findings in the proceeding.

b. The order shall be subject to review in the manner provided in [this chapter](#). All amounts collected by the commission pursuant to the provisions of [this section](#) shall be deposited with

the treasurer of state and credited to the commerce revolving fund created in [section 546.12](#). Such amounts shall be spent in accordance with the provisions of [chapter 8](#).

3. Whenever the commission shall deem it necessary in order to carry out the duties imposed upon it in connection with rate regulation under [section 476.6](#), investigations under [section 476.3](#), or review proceedings under [section 476.31](#), the commission may employ additional temporary or permanent staff, or may contract with persons who are not state employees for engineering, accounting, or other professional services, or both. The costs of these additional employees and contract services shall be paid by the public utility whose rates are being reviewed in the same manner as other expenses are paid under [this section](#). Beginning on July 1, 1991, there is appropriated out of any funds in the state treasury not otherwise appropriated, such sums as may be necessary to enable the commission to hire additional staff and contract for services under [this section](#). The commission shall increase quarterly assessments specified in [subsection 1](#), paragraph “b”, by amounts necessary to enable the commission to hire additional staff and contract for services under [this section](#). The authority to hire additional temporary or permanent staff that is granted to the commission by [this section](#) shall not be subject to limitation by any administrative or executive order or decision that restricts the number of state employees or the filling of employee vacancies, and shall not be subject to limitation by any law of this state that restricts the number of state employees or the filling of employee vacancies unless that law is made applicable to [this section](#) by express reference to [this section](#). Before the commission expends or encumbers an amount in excess of the funds budgeted for rate regulation and before the commission increases quarterly assessments pursuant to [this subsection](#), the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall determine that the expenses exceed the funds budgeted by the general assembly to the commission for rate regulation and that the commission does not have other funds from which the expenses can be paid. Upon approval of the director of the department of management the commission may expend and encumber funds for the excess expenses, and increase quarterly assessments to raise the additional funds. The commission and the office of consumer advocate may add additional personnel or contract for additional assistance to review and evaluate energy efficiency plans and the implementation of energy efficiency programs including, but not limited to, professionally trained engineers, accountants, attorneys, skilled examiners and inspectors, and secretaries and clerks. The commission and the office of consumer advocate may also contract for additional assistance in the evaluation and implementation of issues relating to telecommunication competition. The commission and the office of the consumer advocate may expend additional sums beyond those sums appropriated. However, the authority to add additional personnel or contract for additional assistance must first be approved by the department of management. The additional sums for energy efficiency shall be provided to the commission and the office of the consumer advocate by the utilities subject to the energy efficiency requirements in [this chapter](#). Telephone companies shall pay any additional sums needed for assistance with telecommunication competition issues. The assessments shall be in addition to and separate from the quarterly assessment.

4. a. Fees paid to the utilities commission shall be deposited in the commerce revolving fund created in [section 546.12](#). These funds shall be used for the payment, upon appropriation by the general assembly, of the expenses of the utilities commission and the consumer advocate division of the department of justice.

b. The administrator and consumer advocate shall account for receipts and disbursements according to the separate duties imposed upon the utilities commission and the consumer advocate division by the laws of this state and each separate duty shall be fiscally self-sustaining.

c. All fees and other moneys collected under [this section](#) and [sections 478.4](#), [479.16](#), and [479A.9](#) shall be deposited into the commerce revolving fund created in [section 546.12](#) and

expenses required to be paid under [this section](#) shall be paid from funds appropriated for those purposes.

[C66, 71, 73, 75, §490A.10; C77, 79, 81, §476.10; 81 Acts, ch 156, §7, ch 158, §1]

83 Acts, ch 127, §28; 86 Acts, ch 1246, §613, 614; 89 Acts, ch 103, §1; 89 Acts, ch 296, §72; 89 Acts, ch 321, §30; 90 Acts, ch 1247, §11; 90 Acts, ch 1252, §29; 91 Acts, ch 260, §1236, 1237; 93 Acts, ch 131, §20, 21; 94 Acts, ch 1107, §80; 95 Acts, ch 199, §3; 2001 Acts, ch 9, §1, 3; 2009 Acts, ch 181, §45 – 47; 2018 Acts, ch 1160, §12; 2021 Acts, ch 75, §2; 2023 Acts, ch 19, §2674; 2024 Acts, ch 1170, §369

Referred to in §12.91, 475A.6, 476.1A, 476.1B, 476.1C, 476.10B, 476.53, 476.87, 476.95, 476.95B, 477A.3, 477C.3, 478.4, 479.14, 479.16, 479A.7, 479A.9

Code editor directive applied