

476.3 Complaints — investigation — refunds.

1. A public utility shall furnish reasonably adequate service at rates and charges in accordance with tariffs filed with the commission. When there is filed with the commission by any person or body politic, or filed by the commission upon its own motion, a written complaint requesting the commission to determine the reasonableness of the rates, charges, schedules, service, regulations, or anything done or omitted to be done by a public utility subject to [this chapter](#) in contravention of [this chapter](#), the written complaint shall be forwarded by the commission to the public utility, which shall be called upon to satisfy the complaint or to answer it in writing within a reasonable time to be specified by the commission. Copies of the written complaint forwarded by the commission to the public utility and copies of all correspondence from the public utility in response to the complaint shall be provided by the commission in an expeditious manner to the consumer advocate. If the commission determines the public utility's response is inadequate and there appears to be any reasonable ground for investigating the complaint, the commission shall promptly initiate a formal proceeding. If the consumer advocate determines the public utility's response to the complaint is inadequate, the consumer advocate may file a petition with the commission which shall promptly initiate a formal proceeding if the commission determines that there is any reasonable ground for investigating the complaint. The complainant or the public utility also may petition the commission to initiate a formal proceeding which petition shall be granted if the commission determines that there is any reasonable ground for investigating the complaint. The formal proceeding may be initiated at any time by the commission on its own motion. If a proceeding is initiated upon petition filed by the consumer advocate, complainant, or the public utility, or upon the commission's own motion, the commission shall set the case for hearing and give notice as it deems appropriate. When the commission, after a hearing held after reasonable notice, finds a public utility's rates, charges, schedules, service, or regulations are unjust, unreasonable, discriminatory, or otherwise in violation of any provision of law, the commission shall determine just, reasonable, and nondiscriminatory rates, charges, schedules, service, or regulations to be observed and enforced.

2. If, as a result of a review procedure conducted under [section 476.31](#), a review conducted under [section 476.32](#), a special audit, an investigation by commission staff, or an investigation by the consumer advocate, a petition is filed with the commission by the consumer advocate, alleging that a utility's rates are excessive, the disputed amount shall be specified in the petition. The public utility shall, within the time prescribed by the commission, file a bond or undertaking approved by the commission conditioned upon the refund in a manner prescribed by the commission of amounts collected after the date of filing of the petition in excess of rates or charges finally determined by the commission to be lawful. If upon hearing the commission finds that the utility's rates are unlawful, the commission shall order a refund, with interest, of amounts collected after the date of filing of the petition that are determined to be in excess of the amounts which would have been collected under the rates finally approved. However, the commission shall not order a refund that is greater than the amount specified in the petition, plus interest, and if the commission fails to render a decision within ten months following the date of filing of the petition, the commission shall not order a refund of any excess amounts that are collected after the expiration of that ten-month period and prior to the date the decision is rendered.

3. A determination of utility rates by the commission pursuant to [this section](#) that is based upon a departure from previously established regulatory principles shall apply prospectively from the date of the decision.

[C66, 71, 73, 75, §490A.3; C77, 79, 81, §476.3; [81 Acts, ch 156, §5, 9](#)]

[83 Acts, ch 127, §17, 18](#); [89 Acts, ch 59, §1](#); [89 Acts, ch 97, §1](#); [95 Acts, ch 199, §2](#); [2011 Acts, ch 25, §143](#); [2014 Acts, ch 1099, §3](#); [2023 Acts, ch 19, §2673](#); [2024 Acts, ch 1170, §369](#)

Referred to in [§476.1A](#), [476.1B](#), [476.4](#), [476.10](#), [476.33](#), [476.52](#)