

CHAPTER 14
ELECTRONIC FILING

199—14.1(17A,476) Purpose. The purpose of these rules is to establish an electronic filing requirement, to identify exceptions to the electronic filing requirement, and to specify procedures regarding electronic filing and service of documents filed with or issued by the board.

199—14.2(17A,476) Scope and applicability of electronic filing requirement. As of the date determined by the board, electronic filing is mandatory, unless specifically excepted by these rules. The board will publish on its Web site the effective date of the electronic filing requirement. When the electronic filing requirement is effective, all persons filing documents with the board shall file those documents electronically, subject to the exceptions in this chapter. The board will accept filings electronically pursuant to the rules in this chapter and the board's published standards for electronic information, available on the board's Web site (www.state.ia.us/iub) or from the board's records and information center, or as delineated in the board order or other official statement requiring those filings. In all circumstances in which the electronic filing requirement applies, the provisions of this chapter override any other board rule regarding number of copies, filing requirements, and service of papers, including the rules in 199—Chapter 7. All other Chapter 7 rules otherwise apply to proceedings, investigations, and other hearings conducted by the board or a presiding officer which are subject to the electronic filing requirement. The board may suspend the electronic filing requirement by further notice as necessary.

199—14.3(17A,476) Definitions. Except where otherwise specifically defined by law:

"Accepted for filing" ordinarily means a filing will be published on the board's Web site. Certain documents will be accepted for filing without being published on the board's Web site. A filing that has been accepted for filing can be rejected at a later date if found not to comply with a board rule or order.

"Electronic filing" means the process of transmitting a document or collection of documents via the Internet to the board's electronic filing system for the purpose of submitting the document for board consideration.

"Electronic filing system" means the system used by the board's records and information center to accept and publish documents filed electronically and which allows the public and parties to view most documents filed with or issued by the board on the board's Web site.

"Guest user" means a person who uses the electronic filing system no more than twice a year to submit filings for the board's consideration.

"Publish" means to make a document available for public viewing or download by posting it on the board's Web site.

"Registered user" means a person who has complied with the board's requirements at 199—14.6(17A,476) to obtain a user ID and password in order to submit filings for the board's consideration through the board's electronic filing system.

199—14.4(17A,476) Exceptions; number of paper copies required. The following types of filings are not subject to the electronic filing requirement:

14.4(1) Filings made by any person who has been excused from the requirement by board order granting a request for permission to file paper documents. The board order granting permission to file paper documents shall specify the required number of paper copies of a document that must be filed.

14.4(2) Filings made in proceedings initiated before the effective date of the electronic filing requirement shall comply with all board rules regarding paper filings and number of copies provided, unless the board orders otherwise.

14.4(3) Informal consumer complaints. Consumers filing informal complaints pursuant to 199—6.2(476) are not required to electronically file complaints against utilities. Consumers may submit complaints electronically by using the online complaint form available on the board's Web site or by E-mail; on paper by mail or facsimile; or by personally delivering the written complaint to the board's

records and information center. Informal consumer complaint files are available for public inspection in the board's records and information center. An informal complaint file will be made available on the board's Web site, to the extent reasonable, only if formal complaint proceedings are granted pursuant to 199—6.5(476).

14.4(4) Written objections to applications for electric transmission line franchises, pipeline permits, or hazardous liquid pipeline permits. Objectors are not required to electronically file written objections. Written objections in these cases may be submitted through the electronic filing system pursuant to these rules or may be submitted in writing. Electronic filing of objections is preferred but is not required. Written objections will ordinarily be published on the board's Web site. A suggested objection form is available on the board's Web site, but objectors are not required to use this form.

14.4(5) Comments from persons in any other proceeding in which comments from the public are permitted. Persons may submit comments electronically through the electronic filing system pursuant to these rules, by using any applicable online comment form available on the board's Web site, or by E-mail; or comments may be submitted by letter or facsimile. Comments from persons will ordinarily be published on the electronic filing system.

14.4(6) Payment of required fees. Any payment required at the time of filing of a document must be delivered to the board's records and information center in person or by first-class mail or other delivery service. The filing will not be deemed complete and accepted until the required payment is received.

199—14.5(17A,476) Electronic filing procedures and required formats. Electronic documents shall be filed in accordance with the following procedures and required formats:

14.5(1) Persons who make infrequent filings with the board (i.e., no more than twice annually) may file as a guest user. Persons who make regular filings with the board shall register to obtain a user ID and password pursuant to registration procedures specified in 199—14.6(17A,476). The board may require an infrequent filer to become a registered user.

14.5(2) Electronic filings shall be made by uploading a document or collection of documents into the electronic filing system. E-mailing a document to the board does not constitute filing the document.

14.5(3) A filer must provide all required information when electronically filing a document.

14.5(4) Electronically filed documents shall be named in a way that accurately describes the contents of each document.

14.5(5) All documents shall be formatted in accordance with applicable rules governing formatting of paper documents.

14.5(6) All documents shall be formatted in accordance with the board's standards for electronic information, which are available on the board's Web site or from the board's records and information center.

14.5(7) Any text-based document which has been scanned for electronic filing must be full-text searchable to the extent that is reasonably possible.

14.5(8) Spreadsheets, workbooks, and databases included in filings shall include all cell formulae and cell references. Where a filer requests confidential treatment of cell formulae and cell references or any other information included in a spreadsheet, workbook, or database, the filer shall file a request for confidential treatment and two versions of the document: a public version of the document with the cell formulae deactivated and other confidential information redacted and a version not for publication containing live formulae and the information for which confidential treatment is requested.

14.5(9) Hyperlinks and other navigational aids may be included in an electronically filed document. Each hyperlink must contain a text reference to the target of the link. Although hyperlinks may be included in a document as an aid to the reader, the material referred to by the hyperlinks is not considered part of the official record or filing unless the material itself is filed. Hyperlinks to cited authority may not replace standard citation format for constitutional citations, statutes, cases, rules, or other similarly cited materials.

14.5(10) The electronic filing system will display an "Upload Complete" notice when the upload of the filing is completed. If the "Upload Complete" notice does not appear, it is the filer's responsibility to

contact the board's records and information center during regular business hours to determine the status of the filing.

14.5(11) After reviewing the filing, the board's records and information center will either accept or reject the filing. If the filing is accepted, the document (if not confidential) will be published on the board's Web site, and an electronic file stamp indicating the docket number(s) and date of filing will be added to the published document. A "Notice of Electronic Filing" containing a link to a list of published documents included in the filing will be sent by E-mail to the filer and to all parties identified on the service list as able to receive electronic service. From the list, the recipient of the notice can link to each published document included in the filing. Where a document is accompanied by a request for confidential treatment, the list will include a link to the public version of the document, in which information identified as confidential has been redacted (see 199—14.12(17A,476)). Where a filing consists only of a confidential document, such as a response to a board survey or other inquiry, which the board has deemed confidential pursuant to an order requiring the response, the document will not be published on the board's Web site. Acceptance of a document for filing is not a final determination that the document complies with all board requirements and is not a waiver of such requirements. If a filing is rejected, a "Notice of Rejection" explaining why the filing has been rejected will be sent by E-mail to the filer, or the filer will be contacted by other appropriate means.

14.5(12) Errors. If a filer discovers an error in the electronic filing or publishing of a document, the filer shall contact the board's records and information center as soon as possible. The records and information center will review the situation and advise the filing party how the error will be addressed by the records and information center and what further action by the filer, if any, is required. Ordinarily, any modifications to a published document will require a revised filing with the board. If errors in the filing or publishing of a document are discovered by the board's records and information center, board staff will ordinarily notify the filer of the error and advise the filer of what further action, if any, is required to address the error. If the error is a minor one, the records and information center may either correct or disregard the error.

14.5(13) Electronic documents and the hearing process. If any prefiled testimony or exhibit that is electronically filed before the hearing is altered or corrected at the hearing in any way and admitted into evidence, the sponsoring party must electronically file the altered document at the earliest opportunity, but no later than three business days after the conclusion of the hearing. If any paper documents which have not been electronically filed before the hearing are admitted into evidence as exhibits at the hearing, the sponsoring party must electronically file the exhibits at the earliest opportunity, but no later than three business days after the material is admitted into evidence.

199—14.6(17A,476) Registration. To become a registered user, a person must complete a registration form, which is available on the board's Web site, and obtain a user ID and password. If a user believes the security of an existing password has been compromised, the user must change the password immediately.

199—14.7(17A,476) Electronic file. The official agency record in any proceeding is the electronic file maintained by the board's executive secretary and any paper filings accepted by the board which are not stored in electronic form. The board's executive secretary is responsible for maintaining an official electronic file in the board's electronic filing system for all documents filed electronically, receiving filings into the electronic filing system by electronic transmission, and scanning documents into the system that are not filed electronically, if feasible. The executive secretary may certify documents by digital signature and seal.

199—14.8(17A,476) Paper copies required.

14.8(1) Any map, plan and profile drawing, or oversized document that is required to be filed with the board shall be electronically filed as a PDF (Portable Document Format) file or a TIFF (Tag Image File Format) file, if the filer has access to an electronic version of the map. If the map, drawing, or oversized document cannot be printed on 11-by-17 inch or smaller-sized paper in legible and usable form, as determined by the board, the original and four paper copies of each map, drawing, or other

document filed pursuant to this rule shall also be filed, unless more copies are required by board order or request. Maps and other documents shall 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 specified in 199—subrule 7.4(4) or other applicable rule shall be filed.

14.8(2) Unless the board orders otherwise, until March 31, 2009, filers shall provide the board with one paper copy of each document that is filed electronically, other than maps or other documents for which supplemental paper copies are required pursuant to subrule 14.8(1), unless more copies are required by board order. The paper copy may be provided by personal delivery or by first-class mail and shall be delivered or deposited in the mail within 24 hours of electronic filing. The electronic document stored in the electronic filing system and published on the board's Web site will function as the official filing.

199—14.9(17A,476) When electronic filings can be made; official filing date. Unless otherwise ordered, an electronic filing can be made at any time outside of any maintenance periods during which the system will not be available. The "Notice of Electronic Filing" generated when the document is accepted for filing will record the date of the filing of the document. This date will be the official filing date of the document regardless of when the filer actually submitted the document to the electronic filing system. Documents uploaded into the electronic filing system by 3:30 p.m. central time on a business day, if accepted for filing, will be considered filed on that day. Documents uploaded into the electronic filing system after 3:30 p.m. central time on a business day or at any time on a nonbusiness day may, if accepted, be considered filed on the next business day. Filings which require a payment will be considered filed on the date the board receives the payment.

199—14.10(17A,476) Notice of system unavailability. When the electronic filing system will not be available due to scheduled maintenance, a notice of the date, time, and expected duration of the unavailability will be posted on the board's Web site. When the electronic filing system is unexpectedly unable to receive filings during regular business hours continuously or intermittently for more than two hours, registered users will be notified of the problem by E-mail, if possible, and the public will be notified by the posting of a notice of the problem on the board's Web site, if possible.

199—14.11(17A,476) Technical difficulties. It is the responsibility of the filer to ensure that a document is timely filed to comply with jurisdictional deadlines. A technical failure of the electronic filing system, the filer's own computer equipment, or any other part of the filing system will not excuse the filer from compliance with a jurisdictional filing deadline. If a filer is not able to meet a nonjurisdictional deadline because of a technical failure, the filer must, by the earliest available conventional or electronic means, file the document and seek appropriate relief from the board.

199—14.12(17A,476) Documents containing confidential material. Confidential documents will not be published on the board's Web site. When filing a document containing confidential information, a person shall file one public version of the document with the confidential information redacted according to the board's standards for electronic information and one version of the document containing the confidential information. The two versions of the document shall be named according to the following convention: "Document Title – Public" and "Document Title – Confidential." It is the responsibility of the person submitting a public version of the electronic document to take appropriate measures to ensure that any embedded information for which confidential treatment is sought is nonviewable, nonsearchable, and nonreversible. Each page of the confidential version of the document shall be marked in a way that identifies it as belonging to the confidential version of the document. The confidential material itself shall be highlighted or otherwise distinguished on the page to identify what specific information is confidential. A filing including a document the filer asserts contains confidential information shall also include a separate document containing the request for confidential treatment pursuant to 199—subrule 1.9(6). Documents which the filer asserts contain confidential information will not be electronically served by the board's electronic filing system, as provided in 199—subrule 14.16(4).

199—14.13(17A,476) Signatures.

14.13(1) Filings by registered users. The use of a user ID and password in accordance with the registration procedures specified in rule 14.6(17A,476) constitutes the filer's signature. Filers shall use "/s/" followed by the signer's name to indicate a signature where applicable. All pleadings must also include a signature block containing the signer's name, title, address, E-mail address, and telephone number. All electronic filings are presumed to have been made by the person whose user ID and password have been used to make the electronic filing.

14.13(2) Filings by guest users. The personal information required to submit a filing as a guest user constitutes the filer's signature. Filers shall use "/s/" followed by the signer's name to indicate a signature where applicable. All pleadings must also include a signature block containing the signer's name, title, address, E-mail address, and telephone number.

14.13(3) Documents with handwritten signatures. Any document bearing a handwritten signature, such as an affidavit, shall be filed electronically using "/s/" followed by the signer's name to indicate a signature. The filer must retain the original paper version of any such document bearing the original signature and any notarization or verification for a period of two years or until the conclusion of the proceeding or the conclusion of any appeal or related judicial proceeding, whichever is greater, and must promptly file the original if ordered by the board or requested by another party.

199—14.14(17A,476) Original documents. When a board rule requires the filing of an original document not prepared by the filer or the party on whose behalf the document is filed, such as an invoice or other document, the filer shall scan the original document and file the scanned document in the electronic filing system or request advance board approval of other arrangements. The filer must retain the original document for a period of two years or until the conclusion of the proceeding or the conclusion of an appeal, whichever is greater.

199—14.15(17A,476) Transcripts. Transcripts will be published on the board's Web site when they are available electronically and in a manner consistent with the terms of the contract with the court reporting service.

199—14.16(17A,476) Electronic service.

14.16(1) Service on parties able to receive electronic service. Unless otherwise provided by board rule or order, whenever a document is filed electronically, a "Notice of Electronic Filing" will be generated and sent to the filer and to representatives of the other parties who are able to receive electronic service and who are on the service list. This notice will constitute valid service of electronically filed documents and board orders on parties accepting electronic service. The notice will include a service list providing names, addresses, and E-mail addresses of the persons who were sent the notice. No additional proof or certificate of service is required in matters in which all parties are able to receive electronic service. It is the responsibility of the filer to review the notice to ensure that all parties have been provided notice. All parties are responsible for ensuring that their E-mail accounts are monitored regularly and that E-mail notices sent to the account are opened in a timely manner.

14.16(2) Service on parties for whom electronic service is not available. The service list in each proceeding will be available on the board's Web site. The list will identify the representatives for each party and will also indicate the parties for whom electronic service is not available. Filers must serve a paper copy of any electronically filed document on all persons entitled to service for whom electronic service is not available, unless the parties agree to other arrangements. The date of service shall be 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 shall file a certificate of service stating the manner in which service on such person was accomplished in a form consistent with the requirements of 199—subrule 2.2(16).

14.16(3) Service of board-generated documents. Orders issued by the board will be electronically filed. The electronic filing system will electronically transmit notice of posting of orders to all parties

on the service list that are able to receive electronic service. This notice will constitute valid service of the order. The board's records and information center will mail paper copies of orders to parties who are not able to receive electronic service and to others as ordered. The records and information center will include a copy of the notice with the paper copy of the document.

14.16(4) *Exceptions.* Electronic service through the board's electronic filing system to parties other than the consumer advocate division of the department of justice shall not be used to serve a document which (1) the filer asserts contains confidential material or (2) initiates a proceeding, such as a complaint or application, except for orders opening inquiries, investigations, or rule-making proceedings, or other similar proceedings where the board has an electronic service list on file.

14.16(5) *Changes to service list.* Filers wishing to change information on the service list shall file a notice of change of contact information. Other changes to the service list, such as a withdrawal of appearance or substitution of counsel, must be requested by means of an appropriate filing.

These rules are intended to implement Iowa Code sections 17A.4 and 476.2.

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