

CHAPTER 8
CIVIL PENALTIES

[Prior to 10/8/86, Commerce Commission[250]]

199—8.1(476,476A,478,479,479B) Civil penalty. The board may assess civil penalties pursuant to the following statutes:

8.1(1) Pursuant to Iowa Code section 476.51 for a violation of a provision of Iowa Code chapter 476, a rule adopted by the board, or a provision of an order issued by the board. For a continuing violation, the board may specify a time for curing the violation before assessing a penalty. The time specified for curing the violation is a case-by-case determination based upon the factors of the violation. A “willful” violation means knowing and deliberate action taken with a specific intent to violate.

8.1(2) Pursuant to Iowa Code section 476.103 for an unauthorized change in communications service.

8.1(3) Pursuant to Iowa Code section 476A.14 for unauthorized construction, operation, or maintenance of a facility as defined in Iowa Code chapter 476A without first obtaining a certificate issued by the board or a waiver of the certificate requirement.

8.1(4) Pursuant to Iowa Code section 478.29 for a violation of electric transmission line franchise requirements.

8.1(5) Pursuant to Iowa Code section 479.31 and in accordance with 49 CFR 190.223 as amended through July 1, 2021, for a violation of the permit requirements for a pipeline or underground gas storage facility.

8.1(6) Pursuant to Iowa Code section 479B.21 for a violation of the permit requirements for a hazardous liquid pipeline or any order issued in accordance with Iowa Code chapter 479B.

[ARC 4272C, IAB 1/30/19, effective 3/6/19; ARC 6035C, IAB 11/17/21, effective 12/22/21]

199—8.2(476,476A,478,479,479B) Procedure. A request for civil penalties must be made within 180 days of the date the party filing the request knew or should have known of the alleged violation. The request shall be filed in the board’s electronic filing system, efs.iowa.gov/efs/. If the board determines that a formal proceeding is required to consider a request for civil penalties, the board will establish a procedural schedule, which shall include notice and an opportunity for a hearing.

[ARC 4272C, IAB 1/30/19, effective 3/6/19]

199—8.3(476,476A,478,479,479B) Penalties assessed. Each violation is a separate offense. In the case of a continuing violation, each day a violation continues is a separate and distinct offense. Any civil penalty may be compromised by the board.

[ARC 4272C, IAB 1/30/19, effective 3/6/19]

199—8.4(476,476A,478,479,479B) Payment of penalty. Civil penalties collected shall be paid in accordance with Iowa Code section 476.51, 476.103, 476A.14, 478.29, 479.31, or 479B.21, and any other applicable provision. The remittance shall be made payable to the Iowa Utilities Board and forwarded to the Iowa Utilities Board, 1375 E. Court Avenue, Des Moines, Iowa 50319-0069. Remittance must be made within 35 days after assessment of the penalty unless otherwise ordered by the board.

[Editorial change: IAC Supplement 12/29/10; ARC 4272C, IAB 1/30/19, effective 3/6/19]

199—8.5(476,476A,478,479,479B) Rate-regulated utilities. A penalty assessed by the board pursuant to this chapter against a rate-regulated utility shall be excluded from the utility’s costs when determining the utility’s revenue requirement and shall not be included directly or indirectly in the utility’s rates or charges to customers.

[ARC 4272C, IAB 1/30/19, effective 3/6/19]

These rules are intended to implement Iowa Code sections 476.51, 476.103, 476A.14, 478.29, 479.31 and 479B.21.

[Filed 6/1/84, Notice 2/15/84—published 6/20/84, effective 7/25/84]

[Filed emergency 9/18/86—published 10/8/86, effective 9/18/86]

[Filed 10/16/87, Notice 8/26/87—published 11/4/87, effective 12/9/87]

[Published 6/17/98 to update name and address of board]

[Editorial change: IAC Supplement 12/29/10]

[Filed ARC 4272C (Notice ARC 3851C, IAB 6/20/18), IAB 1/30/19, effective 3/6/19]

[Filed ARC 6035C (Notice ARC 5813C, IAB 7/28/21), IAB 11/17/21, effective 12/22/21]