

199—24.8(476A) Hearing procedure.

24.8(1) General. The proceedings conducted by the commission pursuant to this chapter shall be treated in the same manner as a contested case pursuant to the provisions of Iowa Code chapter 17A. Except where contrary to express provisions below, the hearing procedure shall conform to the commission's rules of practice and procedure, 199—Chapter 7. The proceeding for the issuance of certificate may be consolidated with the contested case proceeding for determination of applicable ratemaking principles under Iowa Code section 476.53.

24.8(2) Intervention.

a. Notice of intervention. An agency not receiving notice pursuant to paragraph 24.6(2)“b” may become a party to the contested case proceeding by filing a notice of intervention. Such notice shall contain a statement of the jurisdiction or interest of the particular agency with respect to the proposed facility.

b. Petition to intervene. Any other person wishing to become a party to the contested case proceeding may request to intervene in the proceeding by filing a petition to intervene pursuant to rule 199—7.13(17A,476) by the deadline set in the procedural schedule.

c. Commission discretion. The commission may, in its discretion, grant or deny such petition in accordance with rule 199—7.13(17A,476).

24.8(3) Appearance. If any regulatory agency fails to appear of record in the contested case proceeding conducted by the commission, the commission shall conclusively presume that the facility meets the regulatory agency's permit and licensing requirements.

24.8(4) Application for rehearing. All applications for rehearing will be made and processed in accordance with Iowa Code sections 17A.16(2) and 476.12 and rule 199—7.27(17A,476).

[ARC 9182C, IAB 4/30/25, effective 6/4/25]