

199—42.18(17A,476) Filing of complaint or petition.

42.18(1) *Complaints.* A railroad or public utility that has a complaint regarding any of the issues identified in Iowa Code section 476.27(2) that cannot be resolved without intervention by the board may file a complaint with the board. The complainant must serve the other railroad or public utility involved and the consumer advocate, either in person or by overnight delivery, on the same day the complaint is filed with the board. The complaint must be in writing and must include the following:

- a.* The name, address, telephone number, and contact person for the complainant and the complainant's attorney, if any;
- b.* The basis for the board's jurisdiction over the matter;
- c.* A statement of the complainant's position and a detailed discussion of the facts that support the complainant's position, including a description of the issues involved, the resolution requested, and the facts supporting the resolution requested;
- d.* The particular provisions of the statutes and rules involved;
- e.* A description of the attempts made to informally resolve the complaint;
- f.* All documentation relied on to support the facts alleged in the complaint and the requested resolution; and
- g.* The name, address, telephone number, and contact person and attorney, if any, for the other railroad or public utility involved and a statement that the complaint was served on the other railroad or public utility involved and the consumer advocate, the method of service, and the date served.

42.18(2) *Petitions for relief.* A railroad or public utility that believes special circumstances exist for a particular crossing pursuant to Iowa Code section 476.27(4) may file a petition for relief with the board if the railroad and the public utility have been unable to resolve their differences without intervention by the board. The petitioner must serve the other railroad or public utility involved and the consumer advocate, either in person or by overnight delivery, on the same day the petition is filed with the board. The petition must be in writing and must include the following:

- a.* The name, address, telephone number, and contact person for the petitioner and the petitioner's attorney, if any;
- b.* The basis for the board's jurisdiction over the matter;
- c.* A statement of the petitioner's position and a detailed discussion of the facts that support the petitioner's position, including a description of the issues involved, why special circumstances exist for the particular crossing, the relief requested, and the facts supporting the relief requested;
- d.* The particular provisions of the statutes and rules involved;
- e.* A description of the attempts made to informally resolve the issues involved in the petition;
- f.* All documentation relied on to support the facts alleged in the petition and the requested relief; and
- g.* The name, address, telephone number, contact person and attorney, if any, for the other railroad or public utility involved and a statement that the petition was served on the other railroad or public utility involved and the consumer advocate, the method of service, and the date served.