

199—5.3(476) Docketing.

5.3(1) Order. If the petitioner has complied with subrule 5.2(2), the board may issue an order docketing the matter as a formal notice and comment proceeding. At any time the board may initiate a formal notice and comment proceeding on its own motion. At any time, the board may also on its own motion initiate evidentiary hearings to develop a reliable record of facts related to the issues raised and to allow discovery to the extent the board deems necessary. The petition will not be deemed to be an application for new or changed rates, charges, schedules or regulations.

5.3(2) Time for action. The following schedules shall apply:

a. With regard to petitions filed which relate to an existing service or facility, or to a proposed service or facility for which expedited consideration is not granted, if the board does not issue an order docketing the matter as a formal proceeding within 60 days after the filing of the petition, the petition will be deemed denied.

b. With regard to petitions filed which relate to a proposed service or facility and for which expedited consideration is granted, the following procedural schedules shall apply:

(1) Any person, including the consumer advocate, wanting to file a response to a petition must do so within 30 days of the filing of the petition. If the response includes a request to docket the matter as a formal notice and comment proceeding, the response shall state specifically the grounds for the request.

(2) If no timely request to docket the petition stating grounds which raise material issues is filed, the board will issue the findings required in Iowa Code section 476.1D within 60 days of the filing of the petition.

(3) If a timely request to docket is filed stating grounds which raise material issues, the board will issue an order requiring the petitioner to notify the persons on the service list under subrule 5.2(3) and setting a schedule for interested persons to file sworn statements of position, an oral presentation, and briefing as necessary. The board will issue the findings required in Iowa Code section 476.1D within 120 days of the filing of the petition.

(4) The deadlines under subparagraphs (2) and (3) may be extended for good cause.

5.3(3) Notice. Upon docketing, the board will cause notice of the proceeding to be published in the Iowa Administrative Bulletin. The board may also require specific notice to persons identified as competitors.

5.3(4) Oral presentation. When the board issues an order docketing the matter as a formal notice and comment proceeding, the board may set a date, time and place for an oral presentation.