

199—17.10(475A,476) Objection procedures.

17.10(1) A person subject to an assessment shall either pay the amount assessed or file an objection to the assessment as set forth in this rule within 30 days of the date the commission provides notice of the amount due to the person.

17.10(2) An objection must be in writing and must set forth the specific grounds upon which the person claims the assessment is excessive, unreasonable, erroneous, unlawful, or invalid. The objection shall identify whether the person objects to the assessment of expenses certified by the commission, to the assessment of expenses certified by the consumer advocate, or both. If the person wishes to orally present argument to the commission, the request for oral argument must be included in the objection. Absent a request for oral argument, the commission will consider the objection based solely on the submission of written evidence and argument. The person may include with the objection such evidence or information the person believes relevant to support the person's claim.

17.10(3) Upon receipt of an objection as described in subrule 17.10(2), the objection will be assigned a docket number in the commission's electronic filing system, which shall include all filings pertaining to the objection. The consumer advocate shall receive notice of the objection through the commission's electronic filing system.

17.10(4) This rule does not preclude the consumer advocate or commission staff from directly resolving an objection concerning the assessment of expenses certified by the consumer advocate with the person raising the objection. In the event an objection is informally resolved, the fact that a resolution has occurred shall be filed in the docket.

17.10(5) If the objection concerns the assessment of expenses certified by the consumer advocate, within 30 days from the date of the objection, the consumer advocate may file responsive argument, evidence, and other information with the commission. In the event the person filing an objection has not requested oral argument, the consumer advocate may request oral argument.

17.10(6) If oral argument is requested or if the objecting person or the consumer advocate requests additional opportunity to submit written argument and evidence, the commission will issue a scheduling order. At the time and place for oral argument, the objecting person and the consumer advocate, if applicable, will be afforded the opportunity to present argument to the commission.

17.10(7) Following the final submission of written material or oral argument, the commission shall issue an order in accordance with its findings. In the event the commission affirms the assessment, in whole or in part, the person shall pay the amount identified in the commission's order within 30 days from the date of the order.

17.10(8) The objection procedures set forth in this rule may not be used by a person to challenge or revisit a direct assessment determination made in a final commission order, including those issued under subrule 17.6(3). An objection to a direct assessment determination made in a final commission order must be brought pursuant to Iowa Code section 476.12 or the judicial review procedures in Iowa Code chapter 17A.

17.10(9) Commission expenses incurred in an objection proceeding shall be included in industry direct assessments.

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