

199—17.4(476) Direct assessments under Iowa Code section 476.10.

17.4(1) The following persons shall not be directly assessed for participating in a commission proceeding or matter unless the commission issues an order finding that the person may be directly assessed for that participation:

a. An individual who files a complaint against a public utility, so long as the individual's participation in the proceeding is in good faith.

b. An individual who files a protest or inquiry or intervenes in a proceeding involving a rate change by a public utility, so long as the individual's participation in the proceeding is in good faith.

c. Any person filing written or oral comments in a rule-making proceeding.

d. An intervenor in a commission proceeding. However, the commission may decide to directly assess a person who intervenes if the commission determines that the person's intervention or participation is not in good faith, the commission determines the intervention significantly expands the scope of the proceeding without contribution to the public interest, or the commission determines there are unusual circumstances warranting assessment.

17.4(2) The commission considers the following factors in deciding whether to directly assess a person as defined in subrule 17.2(7), and the amount to be directly assessed, pursuant to Iowa Code section 476.10.

a. Whether the person's intervention and participation in a commission proceeding expanded the scope of the proceeding without contributing to the public interest.

b. Whether the person's intervention and participation in a commission proceeding was in good faith.

c. The financial resources of the person.

d. The impact of assessment on participation by intervenors.

e. The nature of the proceeding or matter.

f. The contribution of the person's participation to the public interest.

g. Whether directly assessing costs would be fair and in the public interest.

h. Other factors deemed appropriate by the commission in a particular case.

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