

**350—55.10(17A,ExecOrd11) Appeals.** Granting or denying a request for waiver or variance is final office action under Iowa Code chapter 17A. An appeal to district court shall be taken within 30 days of the issuance of the ruling in response to the request unless a contrary time is provided by rule or statute.

Exhibit A

Sample Petition (Request) for Waiver/Variance

BEFORE THE IOWA OFFICE OF  
ENERGY INDEPENDENCE

Petition by (insert name of petitioner)  
for the waiver of (insert rule citation)  
relating to (insert the subject matter)



PETITION FOR  
WAIVER

Requests for waiver or variance from an office rule shall include the following information in the petition for waiver or variance where applicable and known:

- a. Petitioner’s (person asking for a waiver or variance) name, address, and telephone number;
- b. Citation of the specific rule from which a waiver or variance is requested;
- c. Description of the specific waiver or variance requested; include the exact scope and time period that the waiver or variance will extend;
- d. Important facts that the petitioner believes justify a waiver or variance. Include in your answer why (1) applying the rule will result in hardship or injustice to the petitioner; and (2) granting a waiver or variance to the petitioner is consistent with the public interest; and (3) granting the waiver or variance will not prejudice the substantial legal rights of any person; and (4) where applicable, how substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver or variance is requested;
- e. History of prior contacts between the office and petitioner relating to the regulated activity, license, grant, loan or other financial assistance that would be affected by the waiver or variance; include a description of each affected license, grant, loan or other financial assistance held by the petitioner, any notices of violation, contested case hearings, or investigative reports relating to the regulated activity, license, grant or loan within the past five years;
- f. Information known to the petitioner regarding the office’s treatment of similar cases;
- g. Name, address, and telephone number of any public agency or political subdivision which also regulates the activity in question, or which might be affected by the grant of a waiver or variance;
- h. Name, address, and telephone number of any person or entity that would be adversely affected or disadvantaged by the granting of the waiver or variance;
- i. Name, address, and telephone number of any person with knowledge of the relevant or important facts relating to the requested waiver or variance;
- j. Signed releases of information authorizing persons with knowledge regarding the request to furnish the office with information relevant to the waiver or variance.

I hereby attest to the accuracy and truthfulness of the above information.

\_\_\_\_\_  
Petitioner’s signature

\_\_\_\_\_  
Date

Petitioner should note the following when requesting or petitioning for a waiver or variance:

- 1. The petitioner has the burden of proving to the office, by clear and convincing evidence, the following: (a) application of the rule to the petitioner would result in hardship or injustice to the petitioner; and (b) waiver or variance on the basis of the particular circumstances relative to the petitioner would be consistent with the public interest; and (c) waiver or variance in the specific case would not prejudice the substantial legal rights of any person; and (d) where applicable, how

substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver or variance is requested.

2. The office may request additional information from or request an informal meeting with the petitioner prior to issuing a ruling granting or denying a request for waiver or variance.

3. All petitions for waiver or variance must be submitted in writing to the Director, Office of Energy Independence, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319. If the petition relates to a pending contested case, a copy of the petition shall also be filed in the contested case proceeding.