

Senate File 2311

H-8431

1 Amend the amendment, H-8340, to Senate File 2311, as
2 amended, passed, and reprinted by the Senate, as follows:

3 1. By striking page 1, line 1, through page 2, line 21, and
4 inserting:

5 <Amend Senate File 2311, as amended, passed, and reprinted
6 by the Senate, as follows:

7 1. By striking everything after the enacting clause and
8 inserting:

9 <Section 1. Section 28F.1, subsection 1, Code 2018, is
10 amended to read as follows:

11 1. **This chapter** provides a means for the joint financing
12 by public agencies of works or facilities useful and necessary
13 for the collection, treatment, purification, and disposal
14 in a sanitary manner of liquid and solid waste, sewage,
15 and industrial waste, facilities used for the conversion of
16 solid waste to energy, gasworks and facilities useful for
17 the delivery of natural gas service, and also electric power
18 facilities constructed within the state of Iowa, except that
19 hydroelectric power facilities may also be located in the
20 waters and on the dams of or on land adjacent to either side
21 of the Mississippi or Missouri river bordering the state of
22 Iowa, water supply systems, swimming pools or golf courses.
23 This chapter applies to the acquisition, construction,
24 reconstruction, ownership, operation, repair, extension,
25 or improvement of such works or facilities, by a separate
26 administrative or legal entity created pursuant to chapter
27 28E or **chapter 389**. When the legal entity created under
28 this chapter is comprised solely of cities, counties, and
29 sanitary districts established under **chapter 358**, or any
30 combination thereof or any combination of the foregoing with
31 other public agencies, the entity shall be both a corporation
32 and a political subdivision with the name under which it was
33 organized. The legal entity may sue and be sued, contract,
34 acquire and hold real and personal property necessary for
35 corporate purposes, adopt a corporate seal and alter the seal

1 at pleasure, and execute all the powers conferred in this
2 chapter.

3 Sec. 2. Section 28F.11, Code 2018, is amended to read as
4 follows:

5 **28F.11 Eminent domain.**

6 Any public agency participating in an agreement authorizing
7 the joint exercise of governmental powers pursuant to this
8 chapter may exercise its power of eminent domain to acquire
9 interests in property, under provisions of law then in effect
10 and applicable to the public agency, for the use of the entity
11 created to carry out the agreement, provided that the power of
12 eminent domain is not used to acquire interests in property
13 which is part of a system of facilities in existence, under
14 construction, or planned, for the generation, transmission
15 or sale of electric power, or for the transmission,
16 transportation, or sale of natural gas. In the exercise
17 of the power of eminent domain, the public agency shall
18 proceed in the manner provided by [chapter 6B](#). Any interests
19 in property acquired are acquired for a public purpose, as
20 defined in [chapter 6A](#), of the condemning public agency, and the
21 payment of the costs of the acquisition may be made pursuant
22 to the agreement or to any separate agreement between the
23 public agency and the entity or the other public agencies
24 participating in the entity or any of them. Upon payment of
25 costs, any property acquired is the property of the entity.>>

26 2. Page 6, line 23, by striking <(1)>

27 3. Page 7, by striking lines 5 through 11.

28 4. By striking page 7, line 16, through page 9, line 34, and
29 inserting:

30 <e. The board shall conduct contested case proceedings
31 for review of energy efficiency plans, demand response plans,
32 and budgets filed by gas and electric utilities required to
33 be rate-regulated under this chapter. The board may approve,
34 reject, or modify the plans and budgets. Notwithstanding the
35 provisions of section 17A.19, subsection 5, in an application

1 for judicial review of the board's decision concerning a
2 utility's ~~energy efficiency~~ plan or budget, the reviewing
3 court shall not order a stay. Whenever a request to modify an
4 approved plan or budget is filed subsequently by the office of
5 consumer advocate or a gas or electric utility required to be
6 rate-regulated under this chapter, the board shall promptly
7 initiate a formal proceeding if the board determines that any
8 reasonable ground exists for investigating the request. The
9 formal proceeding may be initiated at any time by the board
10 on its own motion. Implementation of board-approved plans or
11 budgets shall be considered continuous in nature and shall be
12 subject to investigation at any time by the board or the office
13 of the consumer advocate.

14 *f.* Notice to customers of a contested case proceeding for
15 review of energy efficiency plans, demand response plans, and
16 budgets shall be in a manner prescribed by the board.

17 *g.* (1) A gas or electric utility required to be
18 rate-regulated under this chapter may recover, through an
19 automatic adjustment mechanism filed pursuant to subsection 8,
20 over a period not to exceed the term of the plan, the costs of
21 ~~an energy efficiency~~ a plan approved by the board, including
22 ~~amounts for a plan approved prior to July 1, 1996,~~ in a
23 contested case proceeding conducted pursuant to paragraph "e".

24 (2) The board shall not require any of the following:

25 (a) A gas utility to adopt an energy efficiency plan for
26 gas efficiency that results in projected average annual costs
27 that exceed six percent of the utility's expected total Iowa
28 intrastate gross operating revenue from all sources.

29 (b) An electric utility to adopt an energy efficiency plan
30 for electric efficiency that results in projected average
31 annual costs that exceed four percent of the utility's expected
32 total Iowa intrastate gross operating revenue from all sources.

33 (c) A combined gas and electric utility to adopt an energy
34 efficiency plan for electric efficiency that results in
35 projected average annual costs that exceed four percent of the

1 utility's expected total gas and electric Iowa intrastate gross
2 operating revenue from all sources.

3 (d) A combined gas and electric utility to adopt an energy
4 efficiency plan for gas efficiency that results in projected
5 average annual costs that exceed two percent of the utility's
6 expected total gas and electric Iowa intrastate gross operating
7 revenue from all sources.

8 (e) A utility to adopt a demand response plan that results
9 in projected average annual costs that exceed two percent of
10 the utility's expected total Iowa intrastate gross operating
11 revenue from all sources.

12 (3) The board shall periodically conduct a contested case
13 proceeding to evaluate the reasonableness and prudence of the
14 utility's implementation of an approved energy efficiency plan
15 and budget. If a utility is not taking all reasonable actions
16 to cost-effectively implement an approved ~~energy efficiency~~
17 plan, the board shall not allow the utility to recover from
18 customers costs in excess of those costs that would be incurred
19 under reasonable and prudent implementation and shall not allow
20 the utility to recover future costs at a level other than what
21 the board determines to be reasonable and prudent. If the
22 result of a contested case proceeding is a judgment against a
23 utility, that utility's future level of cost recovery shall be
24 reduced by the amount by which the programs were found to be
25 imprudently conducted. ~~The utility shall not represent energy~~
26 ~~efficiency in customer billings as a separate cost or expense~~
27 ~~unless the board otherwise approves.~~

28 (4) It is the policy of the state of Iowa to ensure
29 transparency and access to information to all utility
30 customers.

31 (a) A utility shall disclose all of the following
32 information in a customer's billing statement:

33 (i) The portions in each customer's total billing statement
34 that are used to recover costs for each resource of generation
35 or capacity to meet the energy needs of retail customers and,

1 if applicable, the portion that the utility otherwise utilizes
2 for energy or capacity resources. Energy or capacity resources
3 include but are not limited to wind, solar, energy efficiency,
4 including lifetime cumulative savings, demand response, coal,
5 natural gas, coke, oil, nuclear, biomass, and hydropower.

6 (ii) The portions in each customer's total billing
7 statement that are used to recover costs for transmission,
8 distribution, taxes, customer service, rate of return, and any
9 other expenses.

10 (iii) The information in subparagraph subdivisions (i) and
11 (ii) shall be, at a minimum, represented in a single pie chart
12 graphic.

13 (b) A utility shall, in an easily accessible location,
14 disclose all of the following information on the utility's
15 internet site, and provide such information to the board for
16 inclusion on the board's internet site:

17 (i) The net benefits from energy efficiency programs and
18 demand response programs. Net benefits include both the annual
19 net benefits from first-year savings in each of the most recent
20 five years and the cumulative lifetime net benefits for the
21 most recent year.

22 (ii) The portion of all customer energy and demand use that
23 is met with each type of utility resource, including energy
24 efficiency, demand response, wind, solar, coal, natural gas,
25 coke, oil, nuclear, biomass, hydropower, and any other sources.

26 (iii) If the utility generates energy or energy capacity
27 from resources not used to meet the needs of retail customers,
28 the utility shall separately represent the portions of total
29 generation and capacity from such resources.

30 (iv) A comparison of the information provided in a
31 customer's total billing statement and on its internet site
32 with the state and national average costs, energy efficiency
33 net benefits, and amounts of generation and capacity provided
34 by each resource.>

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