

JAN 11 1971

Commerce, Pass 1/21  
" " 1/27, Pass 4/6  
Sen.

HOUSE FILE 24

By HOLDEN, STROMER,  
PRIEBE, and FISCHER  
of GRUNDY (Briles,  
Ollenburg, and  
Griffin)

Passed House, Date 1-26-71 Passed Senate, Date 4-23-71

Vote: Ayes 84 Nays 7 Vote: Ayes 41 Nays 0

Approved 5-6-71

## A BILL FOR

1 An Act to exempt certain electric utility projects from  
2 petition requirements.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section four hundred eighty-nine point three  
2 (489.3), Code 1971, is amended as follows:

3 489.3 PETITION--REQUIREMENTS.

4 1. The petition All petitions shall set forth:

5 1a. The name of the individual, company, or corporation  
6 asking for the franchise.

7 2b. The principal office or place of business.

8 3c. The starting points, routes, and termini of the pro-  
9 posed lines, accompanied with a map or plat showing such  
10 details.

11 4d. A general description of the public or private lands,  
12 highways, and streams over, across, or along which any pro-  
13 posed line will pass.

14 5e. General specifications as to materials and manner of  
15 construction.

16 6f. The maximum voltage to be carried over each line.

17 7g. Whether or not the exercise of the right of eminent  
18 domain will be used and, if so, a specific reference to the  
19 lands described in subsection 1, paragraph "d" of this sec-  
20 tion which are sought to be subject thereto.

21 8h. An allegation that the proposed construction is neces-  
22 sary to serve a public use and.

23 2. Petitions for transmission lines carrying thirty-four  
24 point five kilovolts or more and extending a distance of not  
25 less than one mile across privately owned real estate shall  
26 also set forth an allegation that the proposed construction  
27 represents a reasonable relationship to an overall plan of  
28 transmitting electricity in the public interest and substan-  
29 tiation of such allegations, including but not limited to, a  
30 showing of the following:

31 a. The relationship of the proposed project to present  
32 and future economic development of the area.

33 b. The relationship of the proposed project to comprehen-  
34 sive electric utility planning.

35 c. The relationship of the proposed project to the needs

1 of the public presently served and future projections based  
2 on population trends.

3 d. The relationship of the proposed project to the exist-  
4 ing electric utility system and parallel existing utility  
5 routes.

6 e. The relationship of the proposed project to any other  
7 power system planned for the future.

8 f. The possible use of alternative routes and methods of  
9 supply.

10 g. The relationship of the proposed project to the present  
11 and future land use and zoning ordinances.

12 h. The inconvenience or undue injury which may result to  
13 property owners as a result of the proposed project.

14 The commission may waive the proof required for such alle-  
15 gations which are not applicable to a particular proposed  
16 project.

17 ~~97--An~~ The petition shall contain an affidavit stating that  
18 informational meetings were held in each county which the pro-  
19 posed project will affect and the time and place of each meet-  
20 ing.

21 Sec. 2. Section four hundred eighty-nine point thirty-one  
22 (489.31), Code 1971, is amended as follows:

23 489.31 TEMPORARY PERMITS FOR LINES LESS THAN ONE MILE.

24 Notwithstanding the provisions of section 489.1 any person,  
25 company or corporation proposing to construct an electric  
26 transmission line not exceeding one mile in length and which  
27 does not involve the taking of property under the right of  
28 eminent domain may obtain a temporary construction permit from  
29 the state commerce commission by proceeding in the manner  
30 hereinafter set forth. Said person, company or corporation  
31 shall first file with the state commerce commission a verified  
32 petition setting forth all the requirements of section 489.3,  
33 subsection one (1), paragraphs "a" through "h", inclusive,  
34 with the further allegation that the petitioner is the nearest  
35 electric utility to the proposed point of service.

1 The petition shall also state that the filing thereof con-  
2 stitutes an application for a temporary construction permit  
3 and shall also have endorsed thereon the approval of the appro-  
4 priate highway authority or railroad concerned if such line is  
5 to be constructed over, across or along a public highway or  
6 railroad.

7 Upon receipt of such petition the commission shall consider  
8 same and may grant a temporary construction permit in whole  
9 or in part or upon such terms, conditions and restrictions,  
10 and with such modifications as to location as may seem to it  
11 just and proper, however, no finding of public use will be  
12 made at the time of the issuance of the permit, such finding  
13 to be made, if substantiated by petitioner, at the subsequent  
14 consideration of the propriety of granting a franchise for the  
15 line subject to the permit. The signature of one commissioner  
16 on such permit shall be sufficient. The issuance of such per-  
17 mit shall constitute temporary authority for the permit holder  
18 to construct the line for which the permit is granted.

19 Upon the granting of such temporary construction permit the  
20 commission shall cause the publication of notice required by  
21 section 489.5 and all other requirements shall be complied  
22 with as in the manner provided for the granting of a franchise.  
23 If a hearing is required then the petitioner shall make a suf-  
24 ficient and proper showing thereat before a franchise will be  
25 issued for the line. Any franchise issued will be subject to  
26 all applicable provisions of this chapter.

27 Notwithstanding anything foregoing, if the commission shall  
28 determine that a franchise should not be granted, or that  
29 further restrictions, conditions or modifications are required,  
30 or if the petitioner shall fail to make a sufficient and proper  
31 showing of the necessity for the granting of a franchise  
32 within six months of the granting of the temporary construc-  
33 tion permit, the permit issued hereunder shall become null and  
34 void and the permit holder may be required to take such action  
35 deemed necessary by the commission to remove, modify or

1 relocate the construction undertaken by virtue of the  
2 temporary permit issued hereunder.

3 EXPLANATION

4 This bill exempts an electric utility company project for  
5 lines not exceeding one mile in length and carrying less than  
6 34.5 kilovolts from the requirements that the petition contain  
7 an allegation that the proposed construction represents a  
8 reasonable relationship to an overall plan of transmitting  
9 electricity in the public interest and substantiation of the  
10 allegations.

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