

FILED FEB 15 1989

House Energy + Environ
Do pass 3-21-89 (p. 919)

SENATE FILE 225
COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES

(SUCCESSOR TO SSB 170)

Passed Senate, Date 2-24-89 (p. 507) Passed House, Date 4-13-89 (p. 1357)
Vote: Ayes 48 Nays 1 Vote: Ayes 93 Nays 0
Approved 4-27-89 (p. 1719)

A BILL FOR

1 An Act allowing the utilities board to reject an application for
2 new or changed rates, charges, schedules, or regulations by a
3 public utility without a hearing in certain circumstances.

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

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SF 225

1 Section 1. Section 476.6, subsection 7, Code 1989, is
2 amended to read as follows:
3 7. HEARING SET. After the filing of an application for
4 new or changed rates, charges, schedules, or regulations by a
5 public utility subject to rate regulation, the board, prior to
6 the expiration of thirty days after the filing date, shall
7 docket the case as a formal proceeding and set the case for
8 hearing unless the new or changed rates, charges, schedules,
9 or regulations are approved by the board. However, if an
10 application presents no material issue of fact subject to
11 dispute, and the board determines that the application
12 violates a relevant statute, or is not in substantial
13 compliance with a board rule lawfully adopted pursuant to
14 chapter 17A, the application may be rejected by the board
15 without prejudice and without a hearing, provided that the
16 board issues a written order setting forth all of its reasons
17 for rejecting the application. In the case of a gas public
18 utility having less than two thousand customers, the board
19 shall docket a case as a formal proceeding and set the case
20 for hearing as provided in section 476.1C. In the case of a
21 rural electric cooperative, the board may docket the case as a
22 formal proceeding and set the case for hearing prior to the
23 proposed effective date of the tariff. The board shall give
24 notice of formal proceedings as it deems appropriate. The
25 docketing of a case as a formal proceeding suspends the
26 effective date of the new or changed rates, charges,
27 schedules, or regulations until the rates, charges, schedules,
28 or regulations are approved by the board, except as provided
29 in subsection 13.

30 EXPLANATION

31 This bill allows the utilities board to reject an
32 application for new or changed rates, charges, schedules, or
33 regulations by a public utility without a hearing and without
34 prejudice if the application presents no material issue of
35 fact subject to dispute and the board determines that the

1 application violates a relevant statute or is not in
2 substantial compliance with a board rule lawfully adopted.
3 However, the board is required to issue a written order
4 setting forth all of its reasons for rejecting the
5 application.

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VARN, CH.
GLONSTAL
PATE

SSB 170
ENVIRONMENT +
ENERGY UTILITIES

SENATE FILE 225
BY (PROPOSED COMMITTEE ON
ENVIRONMENT AND ENERGY
UTILITIES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act allowing the utilities board to reject an application for
2 new or changed rates, charges, schedules, or regulations by a
3 public utility without a hearing in certain circumstances.

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

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1 Section 1. Section 476.6, subsection 7, Code 1989, is
2 amended to read as follows:

3 7. HEARING SET. After the filing of an application for
4 new or changed rates, charges, schedules, or regulations by a
5 public utility subject to rate regulation, the board, prior to
6 the expiration of thirty days after the filing date, shall
7 docket the case as a formal proceeding and set the case for
8 hearing unless the new or changed rates, charges, schedules,
9 or regulations are approved by the board. However, if the
10 board determines the new or changed rates, charges, schedules,
11 or regulations violate any statute or board rule, the
12 application may be rejected by the board without a hearing.

13 In the case of a gas public utility having less than two
14 thousand customers, the board shall docket a case as a formal
15 proceeding and set the case for hearing as provided in section
16 476.1C. In the case of a rural electric cooperative, the
17 board may docket the case as a formal proceeding and set the
18 case for hearing prior to the proposed effective date of the
19 tariff. The board shall give notice of formal proceedings as
20 it deems appropriate. The docketing of a case as a formal
21 proceeding suspends the effective date of the new or changed
22 rates, charges, schedules, or regulations until the rates,
23 charges, schedules, or regulations are approved by the board,
24 except as provided in subsection 13.

25 EXPLANATION

26 This bill allows the utilities board to reject an
27 application for new or changed rates, charges, schedules, or
28 regulations by a public utility without a hearing if the board
29 determines that the new or changed rates, charges, schedules,
30 or regulations violate any statute or utilities board rule.

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SENATE FILE 225

AN ACT

ALLOWING THE UTILITIES BOARD TO REJECT AN APPLICATION FOR NEW OR CHANGED RATES, CHARGES, SCHEDULES, OR REGULATIONS BY A PUBLIC UTILITY WITHOUT A HEARING IN CERTAIN CIRCUMSTANCES.

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

Section 1. Section 476.6, subsection 7, Code 1989, is amended to read as follows:

7. HEARING SET. After the filing of an application for new or changed rates, charges, schedules, or regulations by a public utility subject to rate regulation, the board, prior to the expiration of thirty days after the filing date, shall docket the case as a formal proceeding and set the case for hearing unless the new or changed rates, charges, schedules, or regulations are approved by the board. However, if an application presents no material issue of fact subject to dispute, and the board determines that the application violates a relevant statute, or is not in substantial compliance with a board rule lawfully adopted pursuant to chapter 17A, the application may be rejected by the board without prejudice and without a hearing, provided that the board issues a written order setting forth all of its reasons for rejecting the application. In the case of a gas public utility having less than two thousand customers, the board shall docket a case as a formal proceeding and set the case for hearing as provided in section 476.1C. In the case of a rural electric cooperative, the board may docket the case as a formal proceeding and set the case for hearing prior to the proposed effective date of the tariff. The board shall give notice of formal proceedings as it deems appropriate. The docketing of a case as a formal proceeding suspends the effective date of the new or changed rates, charges,

schedules, or regulations until the rates, charges, schedules, or regulations are approved by the board, except as provided in subsection 13.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 225, Seventy-third General Assembly.

JOHN P. DWYER
Secretary of the Senate

Approved 4/27, 1989

TERRY E. BRANSTAD
Governor

SF 225