

FILED FEB 21 1989

House Energy +
Environ. protection
D. pass 3-21-89 (p. 914)

SENATE FILE 260

COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES

(SUCCESSOR TO SSB 203)

Passed Senate, Date 2-28-89 (p. 552) Passed House, Date 4-10-89 (p. 1420)
Vote: Ayes 49 Nays 0 Vote: Ayes 92 Nays 0
Approved 5-2-89 (p. 851)

A BILL FOR

1 An Act eliminating the ability of utilities division staff to
2 file a complaint with the utilities board alleging that a
3 utility's rates are excessive following an investigation by
4 division staff, a special audit, continuous review of
5 operations, or review of annual reports.

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

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SF 260

1 Section 1. Section 476.3, subsection 2, Code 1989, is
2 amended to read as follows:

3 2. If, as a result of a review procedure conducted under
4 section 476.31, a review conducted under section 476.32, a
5 special audit, an investigation by division staff, or an
6 investigation by the consumer advocate, ~~a-complaint-is-filed~~
7 ~~by-division-staff,-or~~ a petition is filed with the board by
8 the consumer advocate, alleging that a utility's rates are
9 excessive, the disputed amount shall be specified in the
10 ~~complaint-or~~ petition. The public utility shall, within the
11 time prescribed by the board, file a bond or undertaking
12 approved by the board conditioned upon the refund in a manner
13 prescribed by the board of amounts collected after the date of
14 filing of the ~~complaint-or~~ petition in excess of rates or
15 charges finally determined by the board to be lawful. If upon
16 hearing the board finds that the utility's rates are unlawful,
17 the board shall order a refund, with interest, of amounts
18 collected after the date of filing of the ~~complaint-or~~
19 petition that are determined to be in excess of the amounts
20 which would have been collected under the rates finally
21 approved. However, the board shall not order a refund that is
22 greater than the amount specified in the ~~complaint-or~~
23 petition, plus interest, and ~~provided-that~~ if the board fails
24 to render a decision within ten months following the date of
25 filing of the ~~complaint-or~~ petition, the board shall not order
26 a refund of any excess amounts that are collected after the
27 expiration of that ten-month period and prior to the date the
28 decision is rendered.

29 Sec. 2. Section 476.33, subsection 1, Code 1989, is
30 amended to read as follows:

31 1. The board shall adopt rules pursuant to chapter 17A to
32 provide for the completion of proceedings under section 476.3
33 within ten months after the date of the filing of a ~~complaint~~
34 ~~or~~ petition under section 476.3, subsection 2, and to provide
35 for the completion of proceedings under section 476.6 within

1 ten months after the date of filing of the new or changed
2 rates, charges, schedules, or regulations under that section.
3 These rules shall include reasonable time limitations for the
4 submission or completion of comments and testimony, and
5 exhibits, briefs, and hearings, and may provide for the
6 granting of additional time upon the request of a party to the
7 proceeding or division staff for good cause shown.

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EXPLANATION

9 This bill eliminates the ability of utility division staff
10 to file a complaint with the utilities board alleging that a
11 utility's rates are excessive following an investigation by
12 division staff, a special audit, continuous review of
13 operations, or review of annual reports. Under current law,
14 if division staff file a complaint, the utility is required to
15 file a bond or undertaking approved by the utilities board
16 conditioned upon a refund of amounts collected after the date
17 of filing of the complaint in excess of rates or charges
18 finally determined by the utilities board to be lawful.

19 The consumer advocate will still be allowed to file a
20 petition with the utilities board alleging that a utility's
21 rates are excessive.

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VARN, CA.
GROWSTAL
HEDGE

SSB 203
ENVIRONMENT +
ENERGY UTILITIES

SENATE FILE 260
BY (PROPOSED COMMITTEE ON
ENVIRONMENT AND ENERGY
UTILITIES BILL)

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

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1 ten months after the date of filing of the new or changed
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15 file a bond or undertaking approved by the utilities board
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17 of filing of the complaint in excess of rates or charges
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SENATE FILE 260

AN ACT

ELIMINATING THE ABILITY OF UTILITIES DIVISION STAFF TO FILE A COMPLAINT WITH THE UTILITIES BOARD ALLEGING THAT A UTILITY'S RATES ARE EXCESSIVE FOLLOWING AN INVESTIGATION BY DIVISION STAFF, A SPECIAL AUDIT, CONTINUOUS REVIEW OF OPERATIONS, OR REVIEW OF ANNUAL REPORTS.

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

Section 1. Section 476.3, subsection 2, Code 1989, is amended to read as follows:

2. If, as a result of a review procedure conducted under section 476.31, a review conducted under section 476.32, a

special audit, an investigation by division staff, or an investigation by the consumer advocate, ~~a complaint is filed by division staff or~~ a petition is filed with the board by the consumer advocate, alleging that a utility's rates are excessive, the disputed amount shall be specified in the ~~complaint or~~ petition. The public utility shall, within the time prescribed by the board, file a bond or undertaking approved by the board conditioned upon the refund in a manner prescribed by the board of amounts collected after the date of filing of the ~~complaint or~~ petition in excess of rates or charges finally determined by the board to be lawful. If upon hearing the board finds that the utility's rates are unlawful, the board shall order a refund, with interest, of amounts collected after the date of filing of the ~~complaint or~~ petition that are determined to be in excess of the amounts which would have been collected under the rates finally approved. However, the board shall not order a refund that is greater than the amount specified in the ~~complaint or~~ petition, plus interest, and ~~provided that~~ if the board fails to render a decision within ten months following the date of filing of the ~~complaint or~~ petition, the board shall not order a refund of any excess amounts that are collected after the expiration of that ten-month period and prior to the date the decision is rendered.

Sec. 2. Section 476.33, subsection 1, Code 1989, is amended to read as follows:

1. The board shall adopt rules pursuant to chapter 17A to provide for the completion of proceedings under section 476.3 within ten months after the date of the filing of a complaint or petition under section 476.3, subsection 2, and to provide for the completion of proceedings under section 476.6 within ten months after the date of filing of the new or changed rates, charges, schedules, or regulations under that section. These rules shall include reasonable time limitations for the submission or completion of comments and testimony, and

exhibits, briefs, and hearings, and may provide for the granting of additional time upon the request of a party to the proceeding or division staff for good cause shown.

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 260, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved 5/2, 1989

TERRY E. BRANSTAD
Governor

SF 260