

House Study Bill 76 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
COMMERCE/UTILITIES DIVISION
BILL)

A BILL FOR

1 An Act relating to public utilities and other infrastructure,
2 including the confidentiality of certain information
3 relating to such infrastructure, the authority of utilities
4 to make temporary rate changes, and presiding officers at
5 public information meetings held for electric transmission
6 line franchise petitions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 22.7, subsection 45, Code 2017, is
2 amended to read as follows:

3 45. The critical asset protection plan or any part of the
4 plan prepared pursuant to [section 29C.8](#) and any information
5 held by the department of homeland security and emergency
6 management that was supplied to the department by a public or
7 private agency or organization and used in the development
8 of the critical asset protection plan to include, but not be
9 limited to, surveys, lists, maps, or photographs. ~~However,~~
10 ~~the director shall make the list of assets available for~~
11 ~~examination by any person. A person wishing to examine the~~
12 ~~list of assets shall make a written request to the director~~
13 ~~on a form approved by the director. The list of assets may~~
14 ~~be viewed at the department's offices during normal working~~
15 ~~hours. The list of assets shall not be copied in any manner.~~
16 Communications and asset information not required by law, rule,
17 or procedure that are provided to the director by persons
18 outside of government and for which the director has signed a
19 nondisclosure agreement are exempt from public disclosures.
20 The department of homeland security and emergency management
21 may provide all or part of the critical asset plan to federal,
22 state, or local governmental agencies which have emergency
23 planning or response functions if the director is satisfied
24 that the need to know and intended use are reasonable. An
25 agency receiving critical asset protection plan information
26 from the department shall not redisseminate the information
27 without prior approval of the director.

28 Sec. 2. Section 22.7, Code 2017, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 70. Infrastructure information and
31 records, including cyber security information, the disclosure
32 of which may expose or create vulnerability to critical
33 infrastructure systems, held by the utilities board of
34 the department of commerce or the department of homeland
35 security and emergency management for purposes relating to the

1 safeguarding of telecommunications, electric, water, sanitary
2 sewage, storm water drainage, energy, hazardous liquid, natural
3 gas, or other critical infrastructure systems. For purposes of
4 this subsection, "cyber security information" includes but is
5 not limited to information relating to cyber security defenses,
6 threats, attacks, or general attempts to attack cyber system
7 operations.

8 Sec. 3. Section 476.6, subsection 9, paragraph a, Code 2017,
9 is amended by striking the paragraph.

10 Sec. 4. Section 476.6, subsection 9, paragraph b, Code 2017,
11 is amended to read as follows:

12 b. A public utility may choose to place in effect temporary
13 rates, charges, schedules, or regulations without board review
14 on or after ten days after following the filing date under this
15 section. If the utility chooses to place such rates, charges,
16 schedules, or regulations in effect ~~without board review~~, the
17 utility shall file with the board a bond or other corporate
18 undertaking approved by the board conditioned upon the refund
19 in a manner prescribed by the board of amounts collected in
20 excess of the amounts which would have been collected under
21 rates, charges, schedules, or regulations finally approved
22 by the board. At the conclusion of the proceeding if the
23 board determines that the temporary rates, charges, schedules,
24 or regulations placed in effect under this paragraph were
25 not based on previously established regulatory principles,
26 the board shall consider ordering refunds based upon the
27 overpayments made by each individual customer class, rate zone,
28 or customer group. If the board has not rendered a final
29 decision with respect to suspended rates, charges, schedules,
30 or regulations upon the expiration of ten months after the
31 filing date, plus the length of any delay that necessarily
32 results either from the failure of the public utility to
33 exercise due diligence in connection with the proceedings or
34 from intervening judicial proceedings, plus the length of any
35 extension permitted by section 476.33, subsection 3, then such

1 temporary rates, charges, schedules, or regulations placed into
2 effect on a temporary basis shall be deemed finally approved
3 by the board and the utility may place them into effect on a
4 permanent basis.

5 Sec. 5. Section 478.2, subsection 2, paragraph a, Code 2017,
6 is amended to read as follows:

7 a. A member of the board, the counsel of the board, or a
8 ~~hearing examiner~~ presiding officer designated by the board
9 shall serve as the presiding officer at each meeting, shall
10 present an agenda for such meeting which shall include a
11 summary of the legal rights of the affected landowners, and
12 shall distribute and review the statement of individual rights
13 required under [section 6B.2A, subsection 1](#). A formal record of
14 the meeting shall not be required.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill modifies several provisions relating to public
19 utility regulation and the confidentiality of information held
20 by the department of homeland security and emergency management
21 and the Iowa utilities board.

22 Code section 22.7 lists public records that must be kept
23 confidential from public disclosure, including critical asset
24 protection plan information held by the department. However,
25 Code section 22.7(45) allows the public to examine a list of
26 assets made available by the director of the department. The
27 bill deletes this provision.

28 The bill further amends Code section 22.7 by making
29 infrastructure information and records relating to the
30 safeguarding of critical infrastructure systems such as
31 telecommunications, electric, water, sanitary sewage, storm
32 water drainage, energy, hazardous liquid, and natural gas, held
33 by the department and the utilities board confidential from
34 public disclosure. This includes "cyber security information",
35 defined in the bill as including but not limited to information

1 relating to cyber security defenses, threats, attacks, or
2 general attempts to attack cyber system operations.

3 Code section 476.6(9) authorizes utilities to collect higher
4 rates on a temporary basis while the utilities board conducts
5 a rate review proceeding. To do so, utilities have the
6 option of either first obtaining board review before temporary
7 rates are placed into effect, or implementing temporary rates
8 without board review within 10 days after filing for temporary
9 rates, subject to the board's authority to require refunds for
10 overpayment if the board later determines that the temporary
11 rates were not based on previously established regulatory
12 principles. The bill removes the option for utilities to first
13 request board review before implementing temporary rates.
14 Therefore, utilities seeking temporary rate changes may do
15 so only by implementing the rates, without the board's prior
16 approval, on or after 10 days following the filing date with
17 the board. If the board fails to make a final decision on
18 a temporary rate change within 10 months after filing, the
19 temporary rates are deemed approved by the board and may be
20 placed into effect on a permanent basis.

21 Code chapter 478 requires any person wanting to operate
22 and maintain electric transmission lines to file a petition
23 for a franchise from the utilities board. Under the process
24 described in Code section 478.2, a person must first hold a
25 public information meeting in each county where real property
26 or rights will be affected, at least 30 days prior to filing a
27 petition. Code section 478.2(2)(a) requires either a member of
28 the board, the counsel of the board, or a "hearing examiner"
29 designated by the board to serve as the presiding officer for
30 a public information meeting. The bill replaces the term
31 "hearing examiner" with "presiding officer". Therefore, either
32 a member of the board, the counsel of the board, or a presiding
33 officer designated by the board can serve as the presiding
34 officer at a public information meeting.