

UTILITIES DIVISION[199]

Adopted and Filed

**Rulemaking related to procedure for determining the
competitiveness of a communications service or facility**

The Utilities Board hereby rescinds Chapter 5, “Procedure for Determining the Competitiveness of a Communications Service or Facility,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 476.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 476.1D.

Purpose and Summary

Chapter 5 contained the Board’s procedure for determining the competitiveness of a communications service or facility. The Board rescinded and reserved this chapter because its provisions are duplicative of language contained in Iowa Code section 476.1D.

On January 11, 2024, the Board issued an order adopting amendments. The order is available on the Board’s electronic filing system, efs.iowa.gov, under Docket No. RMU-2023-0005.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 29, 2023, as **ARC 7125C**. Public hearings were held on December 19, 2023, at 9 a.m. and December 20, 2023, at 9 a.m. in the Board Hearing Room, 1375 East Court Avenue, Des Moines, Iowa.

The public hearings were attended by the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice; Interstate Power and Light Company; Black Hills/Iowa Gas Utility Company, LLC, d/b/a Black Hills Energy; Iowa-American Water Company; ITC Midwest; and the Iowa Communications Alliance (ICA). All oral comments received were supportive of the proposed amendment set forth in the Notice.

The Board received written comments from OCA and ICA, and each expressed their support for the rescission of Chapter 5.

No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Board on January 11, 2024.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

No waiver provision is included in the amendment because the Board has a general waiver provision in rule 199—1.3(17A,474,476) that provides procedures for requesting a waiver of the Board’s rules.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on March 13, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **199—Chapter 5**.

[Filed 1/18/24, effective 3/13/24]

[Published 2/7/24]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/7/24.