

**UTILITIES DIVISION[199]**

**Adopted and Filed**

**Rulemaking related to civil penalties**

The Utilities Board hereby rescinds Chapter 8, “Civil Penalties,” Iowa Administrative Code.

*Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code chapters 476, 476A, 478, 479 and 479B.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code sections 476.51, 476.103, 476A.14, 478.29, 479.31 and 479B.21.

*Purpose and Summary*

The purpose of Chapter 8 is to describe the Board’s authority and process for assessing civil penalties. Since Chapter 8 is largely a restatement of statute, the Board rescinds the chapter.

On March 11, 2024, the Board issued an order adopting amendments. The order is available on the Board’s electronic filing system, [efs.iowa.gov](https://efs.iowa.gov), under Docket No. RMU-2023-0008.

*Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 24, 2024, as **ARC 7536C**. Public hearings were held on February 20 and 29, 2024, at 9 a.m. in the Board Hearing Room, 1375 East Court Avenue, Des Moines, Iowa.

The following entities attended one or both public hearings: 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; and MidAmerican Energy Company. All oral comments received were in support of the proposed rescission of Chapter 8.

The Board received written comments from OCA, which expressed support for the rescission of Chapter 8.

No changes from the Notice have been made.

*Adoption of Rulemaking*

This rulemaking was adopted by the Board on March 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 proposed 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 May 22, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **199—Chapter 8**.

[Filed 3/28/24, effective 5/22/24]

[Published 4/17/24]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/17/24.