

199—11.9(478) Additional requirements.

11.9(1) Forms. An electric company shall use the appropriate form or forms available on the board's website when filing a petition, an amendment to an existing franchise, or an extension of an existing franchise. All filings shall be filed electronically in compliance with the board's electronic filing system requirements in 199—Chapter 14 and shall be considered filed when accepted for filing into the board's electronic filing system pursuant to 199—Chapter 14.

11.9(2) Temporary construction permits. An electric company may request a temporary construction permit, as allowed by Iowa Code section 478.31, on the board's petition for franchise forms.

11.9(3) Segmental ownership.

a. Petitions covering transmission line routes having segments of the total transmission line with different owners shall establish that the entire transmission line is necessary to serve a public use and represents a reasonable relationship to an overall plan of transmitting electricity in the public interest.

b. Petitions covering transmission line routes having segments of the total transmission line with different owners shall include documentation showing that the different owners have agreed to the construction being proposed in the petition.

11.9(4) Compliance with Iowa electrical safety code. If review of Exhibit C, or inspection of an existing electric line which is the subject of a franchise petition, finds noncompliance with 199—Chapter 25, the Iowa electrical safety code, no final action shall be taken by the board on the petition without a satisfactory showing by the electric company that the areas of noncompliance have been or will be corrected. Any disputed safety code compliance issues will be resolved by the board.

11.9(5) Statement of damage claims.

a. A petition proposing transmission line construction shall not be acted upon by the board if the electric company does not file with the board a written statement as to how damages resulting from the construction of the transmission line shall be determined and paid.

b. The statement shall contain the following information: the type of damages which will be compensated for, how the amount of damages will be determined, the procedures by which disputes may be resolved, the manner of payment, and the procedures that the affected persons are required to follow to obtain a determination of damages.

c. The statement shall be amended as necessary to reflect changes in the law, company policy, or the needs of a specific project.

d. A copy of this statement shall be mailed with the notice of informational meeting as provided for in Iowa Code section 478.2(3). Where no informational meeting is required, a copy shall be provided to each affected person prior to entering into negotiations for payment of damages.

e. Nothing in this rule shall prevent a person from negotiating with the electric company for terms which are different from, more specific than, or in addition to those in the statement filed with the board.

11.9(6) Route study. If a hearing on a petition is required by Iowa Code section 478.6(1), an electric company shall file a route study, if conducted, with the board at the earlier of either the electric company's next revised petition filing or its testimony in support of the petition after the board orders a hearing.

[ARC 5121C, IAB 7/29/20, effective 9/2/20; see Delay note at end of chapter; ARC 5628C, IAB 5/19/21, effective 6/23/21]