

**STATE OF IOWA
DEPARTMENT OF COMMERCE
BEFORE THE IOWA UTILITIES BOARD**

IN RE:	:	DOCKET NOS. E-22123,
	:	
ROCK ISLAND CLEAN LINE LLC	:	PETITIONER'S COMMENTS ON THE
	:	PROPOSED PROCEDURAL
	:	SCHEDULES
	:	

A Scheduling Conference was held herein on July 11, 2016. At that time a schedule prepared by the Iowa Utilities Board ("Board") staff was shared with the Parties, as well as a draft proposed by Rock Island Clean Line LLC ("Clean Line"). The Board requested the Parties comment on the proposed schedules at the scheduling conference and also afforded the parties an opportunity to submit comments on or before July 15, 2016. Clean Line submits the following comments on the draft proposals.

1. Clean Line presented a proposed schedule that included a number of detailed dates and Clean Line continues to support its proposed schedule, subject to modification as explained herein.
2. The Clean Line proposal differs primarily from that proposed by the Board staff in the anticipated date upon which staff will begin its route review and Clean Line is expected to file its Exhibit E documents with the Board. The Board staff proposal contemplates staff will begin its route review and Clean Line will file complete Exhibit E documents for at least two counties by August 1, 2016.
3. In contrast, as regards the Exhibit E documents, Clean Line's proposal contemplated an initial Exhibit E filing (for all counties) by May 1, 2017, with final Exhibit E documents by August 1, 2017. As the Board is aware, an Exhibit E document is only required when the Petitioner is requesting the right of eminent domain. Until Clean Line has a set schedule

and renews its efforts to negotiate with all landowners and revisit its routing decisions, it will not be in a position to file Exhibit E documents. For all parties involved, it would be preferable to have fewer eminent domain requests, so it would be appropriate to provide Clean Line sufficient time and opportunity to re-engage its land agents and refine the number of parcels over which eminent domain will be required prior to requiring the Exhibit E documents to be filed. Clean Line's proposed schedule affords this opportunity. Clean Line will commit to filing the Exhibit E documents on a county by county basis, as the same are completed, with the initial Exhibit E documents being expected by January 13, 2017 and all Exhibit E documents submitted no later than May 1, 2017. Following the filing of the initial Exhibit E documents, it is contemplated that Clean Line will continue to negotiate with landowners from whom it has not obtained easements, so some of the initial Exhibit E documents will be amended to reflect the withdrawal of Exhibits where negotiations are successful. Clean Line's proposed schedule contemplates that it will have its final Exhibit E documents in place by August 1, 2017.

4. As regards the route review, in the event any clarification is needed, Clean Line's schedule proposes that the IUB staff commence the route review in November 2016, as this would allow Clean Line enough time for easement negotiations to determine if any minor changes or alternatives to the currently filed route should be considered by IUB staff during their field reviews.
5. Some of the intervening Parties suggested the addition of expert witness deadlines and discovery deadlines to the schedule. Given the intended use of pre-filed testimony, Clean Line does not see the need to have either an expert witness designation deadline or discovery deadline in the advance of the filing of pre-filed testimony. It is customary in these proceedings for discovery to follow the filing of prepared written testimony.

6. Some of the intervening Parties suggested a longer period of time be afforded between the filing of the Petitioner's prepared written testimony and the date for the filing of the intervenor's testimony. Clean Line would be willing to agree to a modification of its proposed schedule so that all intervenors filed at the same time (rather than supporting and opposing intervenors filing at separate dates), and affording the intervenors up to 60 days to submit such testimony after Clean Line has submitted its testimony. (Clean Line's proposed schedule provided for 45 days. The Board staff schedule provided for 60 days for intervenor testimony, and then 60 days for Clean Line rebuttal).

Respectfully submitted

SULLIVAN & WARD, P.C.

_____/s/_____
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ATTORNEYS FOR
ROCK ISLAND CLEAN LINE LLC

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the foregoing document with the Iowa Utilities Board utilizing the Board's Electronic Filing System, and therefore causing the same to be served on all individuals or entities participating in these Dockets through said system.

Dated: July 15, 2016.

By: _____/s/_____
Dennis L. Puckett