

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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|--------------------------------------|--------------------------|
| IN RE:<br>MIDAMERICAN ENERGY COMPANY | DOCKET NO. RPU-2022-0001 |
|--------------------------------------|--------------------------|

**ORDER ESTABLISHING PROCEDURAL SCHEDULE**

On January 19, 2022, MidAmerican Energy Company (MidAmerican) filed with the Utilities Board (Board) an “Application for a Determination of Ratemaking Principles” (Application) seeking advance ratemaking principles regarding the company’s Wind PRIME project. MidAmerican’s Wind PRIME project includes up to 2,042 megawatts of wind generation, 50 megawatts of solar generation, and particular treatment for technology study costs relating to carbon capture, energy storage, and small modular nuclear reactor technologies. MidAmerican concurrently filed a “Request for Waiver” (Waiver) on January 19, 2022, seeking waiver of Board rules 199 Iowa Administrative Code (IAC) 20.9(1) and (2), as they apply to MidAmerican’s energy adjustment clause, and 199 IAC 41.3(1)(c)-(g) to the extent information requested by such rules is not reasonably available and presented in MidAmerican’s Application.

On February 8, 2022, the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, filed an objection to the Application and Waiver and requested that the Application be docketed for further review. Appearances and petitions to intervene have been filed by the Environmental Law and Policy Center, the Iowa Environmental Council, and the Sierra Club (collectively, Environmental Organizations); the Iowa Business

DOCKET NO. RPU-2022-0001

PAGE 2

Energy Coalition (IBEC); and Google LLC, and Facebook, Inc. (collectively, Tech Customers), which were all granted on April 4, 2022.

On April 15, 2022, the Board issued an order docketing the Application and Waiver request and setting a scheduling conference for April 22, 2022. Representatives from MidAmerican, OCA, the Environmental Organizations, IBEC, and the Tech Customers participated in the scheduling conference. After initial discussions, the scheduling conference was continued to April 29, 2022.

At the April 29, 2022 continued scheduling conference, the parties settled on a procedural schedule with hearing dates of October 31-November 4, 2022, and the filing deadlines for testimony, exhibits, and briefings by MidAmerican, OCA, the Environmental Organizations, IBEC, Tech Customers and any other approved intervenors as set forth on Attachment A, incorporated into this order by reference. The procedural schedule's reference to "Current Docket Discovery Motion Deadline" with a date of May 13, 2022, is with respect to the timing requirement to file motions to compel or otherwise address discovery matters referenced by the parties in filings made with the Board prior to April 29, 2022.

### **SETTLEMENT PROCEDURES**

If the parties to this proceeding reach a settlement that resolves any of the contested issues, the settlement must comply with the provisions of 199 Iowa Administrative Code (IAC) 7.18. The Board is including in the procedural schedule a date by which proposed settlements must be filed to allow the Board sufficient time to determine if the hearing should be canceled. If a proposed settlement is not filed on or before the date specified in

DOCKET NO. RPU-2022-0001

PAGE 3

the procedural schedule, the Board will conduct the hearing as scheduled, unless the Board orders otherwise.

If a unanimous settlement is reached among the parties, the Board is required to consider whether the “settlement is reasonable in light of the whole record, consistent with law, and in the public interest.” In addition, 199 IAC 7.18(1) requires that a motion for the Board to approve a settlement contain a statement adequate to advise the Board of the scope of the settlement and the grounds on which adoption is requested. Non-unanimous settlements must follow the procedures described in 199 IAC 7.18(2)–(5). Also, each party to a partial settlement shall file a statement summarizing its position on, and proposed resolution of, each issue that remains in dispute.

To ensure that the Board has the necessary evidence in the record in this docket to fulfill the requirements of 199 IAC 7.18, the parties to any unanimous settlement in this docket shall either cite to those portions of the record that support the terms of the settlement or provide the Board with additional evidence to support the terms of the settlement. The Board understands that negotiations between the parties are confidential and not admissible pursuant to Board rule and Iowa R. Evid. 5.408; however, this does not preclude the Board from requesting additional information about the terms of a settlement. Based upon a review of the terms of a settlement, the record, and any additional information requested by the Board, a settlement may be approved as filed, or rejected, or the Board may approve the settlement with modifications that will then need to be considered by the parties.

DOCKET NO. RPU-2022-0001

PAGE 4

### ORDERING CLAUSES

#### IT IS THEREFORE ORDERED:

1. An evidentiary hearing for the presentation of evidence and the cross-examination of witnesses shall begin at 1 p.m. Monday, October 31, 2022, in the Utilities Board's Hearing Room, located at 1375 E. Court Ave., Des Moines, Iowa. Persons with disabilities who will require assistive services or devices to observe or participate in the hearing shall contact the Utilities Board Customer Service staff at (515) 725-7300 at least five business days in advance of the hearing to request arrangements.

2. The procedural schedule established for this docket is attached to this order and identified as Attachment A. General logistics for the hearing is attached to this order and identified as Attachment B.

#### UTILITIES BOARD

**Geri Huser** Date: 2022.05.06  
10:44:06 -05'00'

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**Richard Lozier** Date: 2022.05.06  
10:41:40 -05'00'

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ATTEST:

**Marie Jeanblanc** 2022.05.06  
12:20:17 -05'00'

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**Josh Byrnes** Date: 2022.05.06  
09:16:17 -05'00'

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Dated at Des Moines, Iowa, this 6th day of May, 2022.

**ATTACHMENT A**

**RPU-2022-0001 Procedural Schedule**

| <b>Procedural Activity</b>   | <b>Dates</b>      |
|--|-------------------|
| Filed Direct Testimony   | 1/19/2022         |
| Current Docket Discovery Motion Deadline   | 5/13/2022         |
| Intervention Deadline  | 5/20/2022         |
| Transmission Technical Conference #1   | 5/26/2022         |
| Transmission Technical Conference #2   | 7/7/2022          |
| OCA and Intervenor Direct, MidAmerican Additional Direct if consolidated and desired             | 7/29/2022         |
| MidAmerican Rebuttal, OCA and any Intervenor Reply to MidAmerican, OCA and any Intervenor Direct | 8/31/2022         |
| MidAmerican, OCA and Intervenor Sur-rebuttal   | 9/23/2022         |
| Joint Statement of Issues or Settlement  | 10/7/2022         |
| Prehearing Briefs  | 10/17/2022        |
| <b>Hearing</b>   | <b>10/31/2022</b> |
|  | -                 |
|  | <b>11/4/2022</b>  |

## **Hearing Logistics**

The hearing is scheduled to be held in the Board's hearing room at 1375 E. Court Ave., Des Moines, Iowa, beginning at 1 p.m. on October 31, 2022. The following parties will each be assigned one table with two seats for counsel:

- MidAmerican Energy Company
- Office of Consumer Advocate
- Environmental Law and Policy Center & Iowa Environmental Council
- Facebook, Inc., and Google LLC
- Iowa Business Energy Coalition
- Sierra Club

From November 1 through November 4, 2022, the hearing will begin at 8:30 a.m., with a one-hour break for lunch from 12 to 1 p.m., subject to adjustment to best fit the presentation of witnesses and evidence. The IUB building does not have sufficient capacity to host all parties for lunch breaks, so parties should plan accordingly.

Hearing room seating other than counsel tables will be reserved for assigned IUB staff and members of the public who wish to attend. IUB Conference Rooms 1 and 2 will be opened and available for all other participants, including witnesses and overflow members of the public. The screens in the conference rooms will show the live camera feed from the Hearing Room, including exhibit displays. Viewers of the livestream from locations outside the IUB building will experience a 30-second broadcast delay.

The IUB building does not have additional areas to allow breakout space for each party, so counsel should plan on alternate space elsewhere as desired.

If additional parties intervene in the contested case hearing, the Board may issue further instructions.