

## IOWA UTILITIES BOARD

IN RE:

EXECUTIVE ORDER 10 – REVIEW OF  
COMPLAINT PROCEDURES RULES  
[199 IOWA ADMINISTRATIVE CODE  
CHAPTER 6]

DOCKET NO. RMU-2023-0006

### **ORDER OPENING DOCKET AND SETTING TECHNICAL CONFERENCE AND COMMENT DEADLINE**

On January 10, 2023, Gov. Kim Reynolds issued Executive Order Number 10 (Executive Order), which put a moratorium on agency rule making and directed agencies, including the Utilities Board (Board), to engage in a comprehensive evaluation of existing rules. The goals of the Executive Order include increasing public input in the rule-making process, eliminating rules that do not provide substantial benefits to Iowans, reducing the page and word count of the Iowa Administrative Code, and reducing restrictive rule language. As a part of the comprehensive review, agencies are required to repeal each rule chapter and evaluate whether the chapter, or a portion of the chapter, should be re-promulgated. To assist agencies in performing their comprehensive reviews, the Iowa Department of Management developed and published forms and processes. (See <https://dom.iowa.gov/resource/red-tape-rulemaking-processes/executive-order-10-rulemaking-processes> (last accessed on June 15, 2023).)

Pursuant to the Executive Order, the Board is conducting comprehensive reviews of each chapter of its administrative rules, and the Board will open the above-captioned

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docket for purposes of conducting a comprehensive review of chapter 6, which contains the Board's complaint procedure rules. Attached to this order as Attachment A is the Board's retrospective analysis (Red Tape Review Rule Report) of chapter 6, which the Board will direct staff to publish on the Board's website as required by section III.B of the Executive Order. Attached to this order as Attachment B is the Board's draft regulatory analysis of chapter 6, which the Board will direct staff to submit in the legislative Rules Management System for publication in the Iowa Administrative Bulletin. Finally, attached to this order as Attachment C is a draft version of chapter 6 that the Board is evaluating whether to re-promulgate.

Most of the current proposed changes to chapter 6 center on the removal of unnecessary and restrictive language. The proposed version of chapter 6 attached to this order would result in the reduction of 275 words and the elimination of 30 restrictive terms.

The Board is also scheduling a technical conference for September 13, 2023. The technical conference will be led by Board staff and participation may occur in person or by webinar. The purpose of the technical conference is to receive comments regarding the draft regulatory analysis and the proposed version of chapter 6 to be re-promulgated. Additionally, the Board will accept written comments through September 13, 2023. The Board will use the oral and written comments received to prepare a final version of the regulatory analysis, which will be uploaded in this docket and published on the Board's website.

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### ORDERING CLAUSES

#### IT IS THEREFORE ORDERED:

1. Docket No. RMU-2023-0006 is opened for purposes of conducting a comprehensive review of 199 Iowa Administrative Code chapter 6 pursuant to Executive Order Number 10.
2. A technical conference is set for 9 a.m. September 13, 2023, in the Utilities Board hearing room, located at 1375 East Court Avenue, Des Moines, Iowa. Interested persons may appear in person or by webinar. Information for attending by webinar can be found on the Utilities Board's website on the Hearing and Meeting Calendar page.
3. Comments regarding the draft regulatory analysis or the proposed re-promulgated version of chapter 6 shall be filed by 4:30 p.m. on September 13, 2023.

#### UTILITIES BOARD

Erik M. Helland Date: 2023.07.26  
06:30:37 -05'00'

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Joshua Byrnes Date: 2023.07.25  
16:38:05 -05'00'

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ATTEST:

Keetah Horras 2023.07.26  
11:02:35 -05'00'

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Sarah Martz Date: 2023.07.25  
15:54:50 -05'00'

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Dated at Des Moines, Iowa, this 26th day of July, 2023.

**Red Tape Review Rule Report  
(Due: September 1, 2025 )**

<b>Department Name:</b>	Iowa Utilities Board	<b>Date:</b>	July 12, 2023	<b>Total Rule Count:</b>	8
<b>IAC #:</b>	199	<b>Chapter/ SubChapter/ Rule(s):</b>	6	<b>Iowa Code Section Authorizing Rule:</b>	476.2, 476.3
<b>Contact Name:</b>	Ross Carpenter	<b>Email</b>	ross.carpenter@iub.iowa.gov	<b>Phone:</b>	515-725-7319

**PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE**

**What is the intended benefit of the rule?**

Chapter 6 of the Board rules describes the process under Iowa Code section 476.3 for a person to file a complaint with the Board against a utility. The intended benefit of the rule is to set out a process for filing complaints with the Board, affording consumers and other persons an opportunity to seek assistance regarding complaints or issues they may have with their utility provider or the conduct of a public utility. The chapter also provides notice and clarity to public utilities in regard to the complaint process.

**Is the benefit being achieved? Please provide evidence.**

Yes. Historically, chapter 6 has been utilized by numerous persons who have service or rate-related complaints against rate-regulated and other public utilities. Board staff assists with hundreds of complaints per year utilizing this process.

**What are the costs incurred by the public to comply with the rule?**

Because the process established in chapter 6 is an informal process, there are no direct costs to a person filing a complaint other than the time it takes to participate in the process. There may be some indirect costs if the person needs to file supporting documentation.

**What are the costs to the agency or any other agency to implement/enforce the rule?**

There are no costs to the agency outside of the Board’s normal work process because resolving complaints is one of the board’s statutory responsibilities.

**Do the costs justify the benefits achieved? Please explain.**

Because there are minimal costs and this is one of the Board’s statutory responsibilities, the benefits of the process established in chapter 6 justify the minimal costs.

**Are there less restrictive alternatives to accomplish the benefit?  YES  NO**

**If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.**

No. This rule is required by statute. Most agencies in other states have similar informal complaint processes. The Board believes there are no less restrictive alternatives that would provide the same benefits to those persons complaining about utility actions.

**Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]**

**PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE**

199 IAC 6.1 contains outdated language. The language has been revised in the proposed new rules.  
 199 IAC 6.2 contains language that is redundant. The language has been revised in the proposed new rules.  
 199 IAC 6.3 contains language that is unnecessary and outdated. The language has been deleted or revised in the proposed new rules.  
 199 IAC 6.4 contains language that is unnecessary and outdated. The language has been deleted or revised in the proposed new rules.  
 199 IAC 6.5(1) and (3) contains language that is unnecessary and outdated. The language has been deleted or revised in the proposed new rules.  
 199 IAC 6.5(2) is proposed to be rescinded.  
 199 IAC 6.8 and 6.8(4) contain language that is outdated. The language has been deleted or revised in the proposed new rules.

**RULES PROPOSED FOR REPEAL (list rule number[s]):**

The Board is not proposing to repeal any rule, but is revising language in several rules in the chapter.

**\*RULES PROPOSED FOR RE-PROMULGATION\* (list rule number[s] or include text if available):**

**199—6.1(476) General inquiries.** Any person may seek assistance from the Iowa utilities board by appearing in person at the board’s office at 1375 E. Court Avenue, Des Moines, Iowa; by mailing an inquiry to the board’s office; by placing a telephone call to the board’s customer service center at (515) 725-7300 or toll-free (877) 565-4450; by sending an inquiry by electronic mail to [customer@iub.iowa.gov](mailto:customer@iub.iowa.gov); or by contacting the agency through any other means. Customer service staff obtains the information necessary to answer the inquiry, or, if he inquiry is not resolved after customer service staff has obtained additional information, the person making the inquiry may escalate the inquiry to a written complaint by requesting an informal investigation pursuant to rule 199—6.2(476) and Iowa Code section 476.3.

**199—6.2(476) Informal complaint procedures.** Any person may submit a written complaint to the agency requesting a determination of the reasonableness of rates, charges, schedules, service, regulations, or anything done or not done by a public utility for those services or rates subject to regulation by the board. “Person” as used in this chapter includes a person as defined in Iowa Code section 4.1(20).

**6.2(1) Information to be filed.** The written complaint should include the following information:

*a.* The name of the utility involved, any utility personnel known or believed to be familiar with the facts stated in the complaint, and the location of the office of the utility where the complaint was originally made and processed.

*b.* The name of the complainant. If the complaint is being made on behalf of a person other than the complainant, an affidavit from the person upon whose behalf the complaint is being made, attesting to the accuracy of the complaint, should be included. A complaint filed by an organization on behalf of its members should include an affidavit signed by an officer of the organization.

*c.* The address, or addresses, of the premises where the service, billing problems, or other actions occurred. If the complainant resides at a different address, the complaint should also state where a response to the complaint is to be mailed. The complainant will provide a telephone number and, if available, an email address where the complainant can be reached.

*d.* The nature of the complaint, and efforts made to resolve the matter. Bills, correspondence, or other relevant documents should be included if the documents will aid the board's understanding of the utility's action or practice about which the complaint is made. If known, references to statutes or rules believed to govern the outcome of the complaint should be included. Also, a description of the efforts made by the complainant to resolve the complaint with the utility should be included. The complainant should contact the utility to attempt to resolve the complaint prior to submitting a complaint to the board.

*e.* A proposal for resolving the complaint. The proposal should refer to any known statutes, board orders, or rules that support the resolution proposed by the complainant.

**6.2(2) Request for additional information.** If board staff determines that additional information is needed prior to forwarding the complaint to the utility, the complainant will be notified that specified additional information shall be provided. If the requested additional information is not provided within 10 days, the complaint may be dismissed. Dismissal of the complaint on this basis does not prevent the complainant from filing in the future a complaint that includes the requested information.

**199—6.3(476) Processing the informal complaint.** When the board receives a written complaint that includes the necessary information outlined in rule 199—6.2(476), board staff initiates the informal complaint process by opening an investigation into the complaint and assigning the informal complaint a file number.

**6.3(1)** Within 10 days after receipt of the written complaint, or of any additional information requested, staff forwards to the public utility and the consumer advocate the complaint and any additional information provided by the complainant.

**6.3(2)** Within 20 days the utility shall respond to the complaint and send a copy of its response to the complainant and the consumer advocate. Prior to the date the response is due, the utility may request an extension of time to respond to the complaint. Within five days staff will notify the utility, the complainant, and the consumer advocate whether the request for an extension is granted and of the length of the extension.

**6.3(3)** The utility shall specifically address each allegation made by the complainant and provide any supporting facts, statutes, rules, board orders, or tariff provisions supporting its response. The utility shall include copies of all related letters, records, or other documents not supplied by the complainant, and all records concerning the complainant that are not confidential or privileged. In cases involving confidential or privileged records, the response shall advise of the records' existence.

**199—6.4(476) Proposed resolution of an informal complaint.**

**6.4(1)** After the utility's response is received, staff may request additional information deemed necessary to complete the investigation and resolve the complaint. When all necessary information has been received and the investigation is complete, staff will send a letter with a proposed resolution of the complaint to the complainant, the utility, and the consumer advocate.

**6.4(2)** The complainant, the utility, and consumer advocate have 14 days after the date the proposed resolution is issued to file a request for a formal proceeding. If no party files a request for formal proceeding within 14 days pursuant to subrule 6.5(1), the proposed resolution is binding.

**6.4(3)** After the proposed resolution is issued, the complainant, utility, or consumer advocate may request in writing within 14 days that staff reopen the investigation regarding the complaint to consider additional information, changed circumstances, or other relevant information not provided in the initial investigation. After staff has reviewed any additional information provided, staff will issue a second proposed resolution. If the request to reopen the investigation is denied, the complainant, utility, or consumer advocate has 14 days from the issuance of the denial to request that the board open a formal complaint proceeding pursuant to subrule 6.5(1).

**199—6.5(476) Initiating formal complaint proceedings.**

**6.5(1) Request for formal proceeding based upon a proposed resolution.** If the consumer advocate, the complainant, or the public utility does not agree with the proposed resolution, a request for a formal complaint proceeding may be made in writing within 14 days of the issuance of the proposed resolution. The request for a formal proceeding will be considered as filed on the date of the United States Postal Service postmark, the date of email, the date of filing in the board's electronic filing system, or the date of in-person delivery to the board's customer service center. The request will include the file number of the informal complaint and explain why the proposed resolution should be modified or rejected. All parties to the informal complaint will be provided copies of the request for a formal proceeding. Any other party to the informal complaint investigation may submit a response to the request for a formal proceeding within 10 days of the date the request was submitted to the board.

**6.5(2) Request for formal complaint proceeding.** Upon receipt of a request for a formal complaint proceeding, the board will issue an order either granting or denying the request.

**199—6.6(476) Applicable procedures.** When the complaint is docketed as a formal proceeding, the procedures set forth in 199—Chapter 7 of these rules will apply.

**199—6.7(476) Record.** The written complaint and all information obtained during the informal investigation will be uploaded into the electronic filing system formal complaint docket and be made part of the record in the formal complaint proceeding. The information from the informal complaint investigation will be redacted pursuant to requirements in 199—Chapter 7.

**199—6.8(476) Special procedures for complaints alleging unauthorized changes in telecommunications services.** Notwithstanding the deregulation of a communications service or facility pursuant to Iowa Code section 476.1D, complaints alleging an unauthorized change in telecommunications service (see rule 199—22.9(476)) will be processed pursuant to the rules set forth in this chapter with the following additional or substituted procedures:

**6.8(1)** Upon receipt of the complaint and with the customer's acknowledgment, a copy of the complaint or a notification of receipt of a telephone or other oral complaint will be forwarded to the executing service provider and the preferred service provider as a request for a change in the customer's service to the customer's preferred service provider, unless the service has already been changed to the preferred service provider.

**6.8(2)** The complaint or notification of receipt of a telephone or other oral complaint will also be forwarded to the alleged unauthorized service provider. That entity shall file a response to the complaint within 20 days of the date the complaint or notification of receipt of a telephone or other oral complaint was forwarded. The response must include proof of verification of the customer's authorization for a change in service or a statement that the unauthorized service provider does not have such proof of verification.

**6.8(3)** If the alleged unauthorized service provider includes with its response alleged proof of verification of the customer's authorization for a change in service, the response will be forwarded to the customer. The customer will have 10 days to challenge the verification or otherwise reply to the service provider's response.

**6.8(4)** As a part of the informal complaint proceedings, board staff may issue a proposed resolution to determine the potential liability, including assessment of damages, for unauthorized changes in service among the customer, the previous service provider, the executing service provider, and the submitting service provider, and any other interested person. In all cases, the proposed resolution allocates responsibility among the interested persons on the basis of their relative responsibility for the events that are the subject matter of the complaint. For purposes of this rule and in the absence of unusual circumstances, the term "damages" means charges directly relating to the telecommunications services provided to the customer that have appeared or may appear on the customer's bill. The term "damages" does not include incidental, consequential, or punitive damages.

**6.8(5)** If the complainant, the service provider, consumer advocate, or any other interested person directly affected by the proposed decision is dissatisfied with the proposed resolution, a request for formal complaint proceedings may be filed. A request for formal complaint proceedings will be processed by the board pursuant to 199—6.5(476) et seq.

If no request for formal complaint proceedings is received by the board within 14 days after issuance of the proposed resolution, the proposed resolution will be deemed binding upon all persons notified of the informal proceedings and affected by the proposed resolution. Notwithstanding the binding nature of any proposed resolution as to the affected persons, the board may at any time and on its own motion initiate formal proceedings that may alter the allocation of liability.

**6.8(6)** No entity may commence any actions to re-bill, directly bill, or otherwise collect any disputed charges for a change

**ATTACHMENT A**

in service until after board action on the complaint is final. If final board action finds that the change in service was unauthorized and determines the customer should pay some amount less than the billed amount, the service provider is prohibited from re-billing or taking any other steps whatsoever to collect the difference between the allowed charges and the original charges.

These rules are intended to implement Iowa Code sections 476.2, 476.3, 476.103 and 546.7.

***\*For rules being re-promulgated with changes, you may attach a document with suggested changes.***

**METRICS**

<b>Total number of rules repealed:</b>	<b>0</b>
<b>Proposed word count reduction after repeal and/or re-promulgation</b>	<b>275</b>
<b>Proposed number of restrictive terms eliminated after repeal and/or re-promulgation</b>	<b>30</b>

**ARE THERE ANY RULES YOU WOULD RECOMMEND BE CODIFIED IN STATUTE?**

No.



**ATTACHMENT B**

**Regulatory Analysis**

**TEXT BOXES WILL EXPAND AS YOU TYPE**

**Agency Name** Iowa Utilities Board                      **Rule #** 199 IAC chapter 6

**Iowa Code Section Authorizing Rule** 476.2, 476.3

**State or Federal Law(s) Implemented by the Rule** N/A

**Public Hearing**

A public hearing at which persons may present their views orally or in writing will be held as follows:

Date/Time:    9/13/2023                      1:00 PM

Location: 1375 East Court Avenue, Des Moines, Iowa.

Any interested person may submit written comments concerning this regulatory analysis. Written comments in response to this regulatory analysis must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Contact Name

Ross Carpenter

Address

1375 East Court Avenue, Des Moines, Iowa

Email and/or phone number

ross.carpenter@iub.iowa.gov

**Purpose and summary of proposed rule:**

Chapter 6 of Board rules describes the process under Iowa Code section 476.3 for a person to file a complaint with the Board against a utility.

**Analysis of Impact of Proposed Rule**

1. Persons affected by the proposed rule
  - Classes of persons that will bear the costs of the proposed rule:

**ATTACHMENT B**

Because the proposed rule implements the Board's statutory responsibility with regard to complaints against utilities, any costs are included in the Board's approved budget, which is paid for by public utilities.

- Classes of persons that will benefit from the proposed rule:

All persons who have complaints about the service or rates of rate-regulated utilities and certain complaints about the service of electric cooperatives and municipal utilities will benefit from the description of the Board's informal complaint process in this chapter.

2. Impact of the proposed rule, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred

- Quantitative description of impact:

Because this is an informal process, which is handled informally by the everyday work of the Board, there are no costs to a person filing an informal complaint. There may be some costs to a utility that is required to respond to a complaint.

- Qualitative description of impact:

This chapter describes an informal complaint process that ensures that customers of public utilities are treated without discrimination and in compliance with a utility's rules and legal responsibilities.

3. Costs to the state

- Implementation and enforcement costs borne by the agency or any other agency:

There are no additional costs to any agency other than the normal everyday costs of operation of the Board.

- Anticipated effect on state revenues:

There is no anticipated effect on state revenues.

4. Comparison of the costs and benefits of the proposed rule to the costs and benefits of inaction

Having an established informal complaint process provides public utility customers with a process to address complaints and provides costs and benefits to both the customer and utility that would not be available if there was no informal complaint process.

5. Determination if less costly methods or less intrusive methods exist for achieving the purpose of the proposed rule

Because this is an informal process internally investigated and resolved by Board staff, the Board does not believe there are any less costly methods of addressing complaints against utilities.

6. Alternative methods considered by the agency

- Description of any alternative methods that were seriously considered by the agency:

## ATTACHMENT B

Because Iowa Code 476.3 provides that complaints may be filed against public utilities, the only alternative that could be adopted would be a formal contested case proceeding, and the Board's informal complaint process is a more efficient and less costly process to address complaints.

- Reasons why they were rejected in favor of the proposed rule:

The Board's informal complaint process is a more efficient and less costly process to address complaints.

### Small Business Impact

If the rule will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rule on small business:

- Establish less stringent compliance or reporting requirements in the rule for small business.
- Establish less stringent schedules or deadlines in the rule for compliance or reporting requirements for small business.
- Consolidate or simplify the rule's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rule for small business.
- Exempt small business from any or all requirements of the rule.

If legal and feasible, how does the rule use a method discussed above to reduce the substantial impact on small business?

There is no small business impact.

### Text of Proposed Rule:

**199—6.1(476) General inquiries.** Any person may seek assistance from the Iowa utilities board by appearing in person at the board's office at 1375 E. Court Avenue, Des Moines, Iowa; by mailing an inquiry to the board's office; by placing a telephone call to the board's customer service center at (515) 725-7300 or toll-free (877) 565-4450; by sending an inquiry by electronic mail to [customer@iub.iowa.gov](mailto:customer@iub.iowa.gov); or by contacting the agency through any other means. Customer service staff obtains the information necessary to answer the inquiry, or, if he inquiry is not resolved after customer service staff has obtained additional information, the person making the inquiry may escalate the inquiry to a written complaint by requesting an informal investigation pursuant to rule 199—6.2(476) and Iowa Code section 476.3.

**199—6.2(476) Informal complaint procedures.** Any person may submit a written complaint to the agency

## ATTACHMENT B

requesting a determination of the reasonableness of rates, charges, schedules, service, regulations, or anything done or not done by a public utility for those services or rates subject to regulation by the board. "Person" as used in this chapter includes a person as defined in Iowa Code section 4.1(20).

**6.2(1) *Information to be filed.*** The written complaint should include the following information:

*a.* The name of the utility involved, any utility personnel known or believed to be familiar with the facts stated in the complaint, and the location of the office of the utility where the complaint was originally made and processed.

*b.* The name of the complainant. If the complaint is being made on behalf of a person other than the complainant, an affidavit from the person upon whose behalf the complaint is being made, attesting to the accuracy of the complaint, should be included. A complaint filed by an organization on behalf of its members should include an affidavit signed by an officer of the organization.

*c.* The address, or addresses, of the premises where the service, billing problems, or other actions occurred. If the complainant resides at a different address, the complaint should also state where a response to the complaint is to be mailed. The complainant will provide a telephone number and, if available, an email address where the complainant can be reached.

*d.* The nature of the complaint, and efforts made to resolve the matter. Bills, correspondence, or other relevant documents should be included if the documents will aid the board's understanding of the utility's action or practice about which the complaint is made. If known, references to statutes or rules believed to govern the outcome of the complaint should be included. Also, a description of the efforts made by the complainant to resolve the complaint with the utility should be included. The complainant should contact the utility to attempt to resolve the complaint prior to submitting a complaint to the board.

*e.* A proposal for resolving the complaint. The proposal should refer to any known statutes, board orders, or rules that support the resolution proposed by the complainant.

**6.2(2) *Request for additional information.*** If board staff determines that additional information is needed prior to forwarding the complaint to the utility, the complainant will be notified that specified additional information shall be provided. If the requested additional information is not provided within 10 days, the complaint may be dismissed. Dismissal of the complaint on this basis does not prevent the complainant from filing in the future a complaint that includes the requested information.

**199—6.3(476) Processing the informal complaint.** When the board receives a written complaint that includes the necessary information outlined in rule 199—6.2(476), board staff initiates the informal complaint process by opening an investigation into the complaint and assigning the informal complaint a file number.

**6.3(1)** Within 10 days after receipt of the written complaint, or of any additional information requested, staff forwards to the public utility and the consumer advocate the complaint and any additional information provided by the complainant.

**6.3(2)** Within 20 days the utility shall respond to the complaint and send a copy of its response to the complainant and the consumer advocate. Prior to the date the response is due, the utility may request an extension of time to respond to the complaint. Within five days staff will notify the utility, the complainant, and the consumer advocate whether the request for an extension is granted and of the length of the extension.

**6.3(3)** The utility shall specifically address each allegation made by the complainant and provide any supporting facts, statutes, rules, board orders, or tariff provisions supporting its response. The utility shall include copies of all related letters, records, or other documents not supplied by the complainant, and all records concerning the complainant that are not confidential or privileged. In cases involving confidential or privileged records, the response shall advise of the records' existence.

**199—6.4(476) Proposed resolution of an informal complaint.**

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**6.4(1)** After the utility’s response is received, staff may request additional information deemed necessary to complete the investigation and resolve the complaint. When all necessary information has been received and the investigation is complete, staff will send a letter with a proposed resolution of the complaint to the complainant, the utility, and the consumer advocate.

**6.4(2)** The complainant, the utility, and consumer advocate have 14 days after the date the proposed resolution is issued to file a request for a formal proceeding. If no party files a request for formal proceeding within 14 days pursuant to subrule 6.5(1), the proposed resolution is binding.

**6.4(3)** After the proposed resolution is issued, the complainant, utility, or consumer advocate may request in writing within 14 days that staff reopen the investigation regarding the complaint to consider additional information, changed circumstances, or other relevant information not provided in the initial investigation. After staff has reviewed any additional information provided, staff will issue a second proposed resolution. If the request to reopen the investigation is denied, the complainant, utility, or consumer advocate has 14 days from the issuance of the denial to request that the board open a formal complaint proceeding pursuant to subrule 6.5(1).

**199—6.5(476) Initiating formal complaint proceedings.**

**6.5(1)** *Request for formal proceeding based upon a proposed resolution.* If the consumer advocate, the complainant, or the public utility does not agree with the proposed resolution, a request for a formal complaint proceeding may be made in writing within 14 days of the issuance of the proposed resolution. The request for a formal proceeding will be considered as filed on the date of the United States Postal Service postmark, the date of email, the date of filing in the board’s electronic filing system, or the date of in-person delivery to the board’s customer service center. The request will include the file number of the informal complaint and explain why the proposed resolution should be modified or rejected. All parties to the informal complaint will be provided copies of the request for a formal proceeding. Any other party to the informal complaint investigation may submit a response to the request for a formal proceeding within 10 days of the date the request was submitted to the board.

**6.5(2)** *Request for formal complaint proceeding.* Upon receipt of a request for a formal complaint proceeding, the board will issue an order either granting or denying the request.

**199—6.6(476) Applicable procedures.** When the complaint is docketed as a formal proceeding, the procedures set forth in 199—Chapter 7 of these rules will apply.

**199—6.7(476) Record.** The written complaint and all information obtained during the informal investigation will be uploaded into the electronic filing system formal complaint docket and be made part of the record in the formal complaint proceeding. The information from the informal complaint investigation will be redacted pursuant to requirements in 199—Chapter 7.

**199—6.8(476) Special procedures for complaints alleging unauthorized changes in telecommunications services.** Notwithstanding the deregulation of a communications service or facility pursuant to Iowa Code section 476.1D, complaints alleging an unauthorized change in telecommunications service (see rule 199—22.9(476)) will be processed pursuant to the rules set forth in this chapter with the following additional or substituted procedures:

**6.8(1)** Upon receipt of the complaint and with the customer’s acknowledgment, a copy of the complaint or a notification of receipt of a telephone or other oral complaint will be forwarded to the executing service provider and the preferred service provider as a request for a change in the customer’s service to the customer’s preferred service provider, unless the service has already been changed to the preferred service provider.

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**6.8(2)** The complaint or notification of receipt of a telephone or other oral complaint will also be forwarded to the alleged unauthorized service provider. That entity shall file a response to the complaint within 20 days of the date the complaint or notification of receipt of a telephone or other oral complaint was forwarded. The response must include proof of verification of the customer's authorization for a change in service or a statement that the unauthorized service provider does not have such proof of verification.

**6.8(3)** If the alleged unauthorized service provider includes with its response alleged proof of verification of the customer's authorization for a change in service, the response will be forwarded to the customer. The customer will have 10 days to challenge the verification or otherwise reply to the service provider's response.

**6.8(4)** As a part of the informal complaint proceedings, board staff may issue a proposed resolution to determine the potential liability, including assessment of damages, for unauthorized changes in service among the customer, the previous service provider, the executing service provider, and the submitting service provider, and any other interested person. In all cases, the proposed resolution allocates responsibility among the interested persons on the basis of their relative responsibility for the events that are the subject matter of the complaint. For purposes of this rule and in the absence of unusual circumstances, the term "damages" means charges directly relating to the telecommunications services provided to the customer that have appeared or may appear on the customer's bill. The term "damages" does not include incidental, consequential, or punitive damages.

**6.8(5)** If the complainant, the service provider, consumer advocate, or any other interested person directly affected by the proposed decision is dissatisfied with the proposed resolution, a request for formal complaint proceedings may be filed. A request for formal complaint proceedings will be processed by the board pursuant to 199—6.5(476) et seq.

If no request for formal complaint proceedings is received by the board within 14 days after issuance of the proposed resolution, the proposed resolution will be deemed binding upon all persons notified of the informal proceedings and affected by the proposed resolution. Notwithstanding the binding nature of any proposed resolution as to the affected persons, the board may at any time and on its own motion initiate formal proceedings that may alter the allocation of liability.

**6.8(6)** No entity may commence any actions to re-bill, directly bill, or otherwise collect any disputed charges for a change in service until after board action on the complaint is final. If final board action finds that the change in service was unauthorized and determines the customer should pay some amount less than the billed amount, the service provider is prohibited from re-billing or taking any other steps whatsoever to collect the difference between the allowed charges and the original charges.

These rules are intended to implement Iowa Code sections 476.2, 476.3, 476.103 and 546.7.

## ATTACHMENT C

CHAPTER 6  
COMPLAINT PROCEDURES

**199—6.1(476) General inquiries.** Any person may seek assistance from the Iowa utilities board by appearing in person at the board's office at 1375 E. Court Avenue, Des Moines, Iowa; by mailing an inquiry to the board's office; by placing a telephone call to the board's customer service center at (515) 725-7300 or toll-free (877) 565-4450; by sending an inquiry by electronic mail to [customer@iub.iowa.gov](mailto:customer@iub.iowa.gov); or by contacting the agency through any other means. Customer service staff obtains the information necessary to answer the inquiry, or, if he inquiry is not resolved after customer service staff has obtained additional information, the person making the inquiry may escalate the inquiry to a written complaint by requesting an informal investigation pursuant to rule 199—6.2(476) and Iowa Code section 476.3.

**199—6.2(476) Informal complaint procedures.** Any person may submit a written complaint to the agency requesting a determination of the reasonableness of rates, charges, schedules, service, regulations, or anything done or not done by a public utility for those services or rates subject to regulation by the board. "Person" as used in this chapter includes a person as defined in Iowa Code section 4.1(20).

**6.2(1) Information to be filed.** The written complaint should include the following information:

*a.* The name of the utility involved, any utility personnel known or believed to be familiar with the facts stated in the complaint, and the location of the office of the utility where the complaint was originally made and processed.

*b.* The name of the complainant. If the complaint is being made on behalf of a person other than the complainant, an affidavit from the person upon whose behalf the complaint is being made, attesting to the accuracy of the complaint, should be included. A complaint filed by an organization on behalf of its members should include an affidavit signed by an officer of the organization.

*c.* The address, or addresses, of the premises where the service, billing problems, or other actions occurred. If the complainant resides at a different address, the complaint should also state where a response to the complaint is to be mailed. The complainant will provide a telephone number and, if available, an email address where the complainant can be reached.

*d.* The nature of the complaint, and efforts made to resolve the matter. Bills, correspondence, or other relevant documents should be included if the documents will aid the board's understanding of the utility's action or practice about which the complaint is made. If known, references to statutes or rules believed to govern the outcome of the complaint should be included. Also, a description of the efforts made by the complainant to resolve the complaint with the utility should be included. The complainant should contact the utility to attempt to resolve the complaint prior to submitting a complaint to the board.

*e.* A proposal for resolving the complaint. The proposal should refer to any known statutes, board orders, or rules that support the resolution proposed by the complainant.

**6.2(2) Request for additional information.** If board staff determines that additional information is needed prior to forwarding the complaint to the utility, the complainant will be notified that specified additional information shall be provided. If the requested additional information is not provided within 10 days, the complaint may be dismissed. Dismissal of the complaint on this basis does not prevent the complainant from filing in the future a complaint that includes the requested information.

**199—6.3(476) Processing the informal complaint.** When the board receives a written complaint that includes the necessary information outlined in rule 199—6.2(476), board staff initiates the informal complaint process by opening an investigation into the complaint and assigning the informal complaint a file number.

**6.3(1)** Within 10 days after receipt of the written complaint, or of any additional information requested, staff forwards to the public utility and the consumer advocate the complaint and any

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additional information provided by the complainant.

**6.3(2)** Within 20 days the utility shall respond to the complaint and send a copy of its response to the complainant and the consumer advocate. Prior to the date the response is due, the utility may request an extension of time to respond to the complaint. Within five days staff will notify the utility, the complainant, and the consumer advocate whether the request for an extension is granted and of the length of the extension.

**6.3(3)** The utility shall specifically address each allegation made by the complainant and provide any supporting facts, statutes, rules, board orders, or tariff provisions supporting its response. The utility shall include copies of all related letters, records, or other documents not supplied by the complainant, and all records concerning the complainant that are not confidential or privileged. In cases involving confidential or privileged records, the response shall advise of the records' existence.

**199—6.4(476) Proposed resolution of an informal complaint.**

**6.4(1)** After the utility's response is received, staff may request additional information deemed necessary to complete the investigation and resolve the complaint. When all necessary information has been received and the investigation is complete, staff will send a letter with a proposed resolution of the complaint to the complainant, the utility, and the consumer advocate.

**6.4(2)** The complainant, the utility, and consumer advocate have 14 days after the date the proposed resolution is issued to file a request for a formal proceeding. If no party files a request for formal proceeding within 14 days pursuant to subrule 6.5(1), the proposed resolution is binding.

**6.4(3)** After the proposed resolution is issued, the complainant, utility, or consumer advocate may request in writing within 14 days that staff reopen the investigation regarding the complaint to consider additional information, changed circumstances, or other relevant information not provided in the initial investigation. After staff has reviewed any additional information provided, staff will issue a second proposed resolution. If the request to reopen the investigation is denied, the complainant, utility, or consumer advocate has 14 days from the issuance of the denial to request that the board open a formal complaint proceeding pursuant to subrule 6.5(1).

**199—6.5(476) Initiating formal complaint proceedings.**

**6.5(1)** *Request for formal proceeding based upon a proposed resolution.* If the consumer advocate, the complainant, or the public utility does not agree with the proposed resolution, a request for a formal complaint proceeding may be made in writing within 14 days of the issuance of the proposed resolution. The request for a formal proceeding will be considered as filed on the date of the United States Postal Service postmark, the date of email, the date of filing in the board's electronic filing system, or the date of in-person delivery to the board's customer service center. The request will include the file number of the informal complaint and explain why the proposed resolution should be modified or rejected. All parties to the informal complaint will be provided copies of the request for a formal proceeding. Any other party to the informal complaint investigation may submit a response to the request for a formal proceeding within 10 days of the date the request was submitted to the board.

**6.5(2)** *Request for formal complaint proceeding.* Upon receipt of a request for a formal complaint proceeding, the board will issue an order either granting or denying the request.

**199—6.6(476) Applicable procedures.** When the complaint is docketed as a formal proceeding, the procedures set forth in 199—Chapter 7 of these rules will apply.

**199—6.7(476) Record.** The written complaint and all information obtained during the informal investigation will be uploaded into the electronic filing system formal complaint docket and be made part of the record in the formal complaint proceeding. The information from the informal complaint investigation will be redacted pursuant to requirements in 199—Chapter 7.



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**199—6.8(476) Special procedures for complaints alleging unauthorized changes in telecommunications services.** Notwithstanding the deregulation of a communications service or facility pursuant to Iowa Code section 476.1D, complaints alleging an unauthorized change in telecommunications service (see rule 199—22.9(476)) will be processed pursuant to the rules set forth in this chapter with the following additional or substituted procedures:

**6.8(1)** Upon receipt of the complaint and with the customer's acknowledgment, a copy of the complaint or a notification of receipt of a telephone or other oral complaint will be forwarded to the executing service provider and the preferred service provider as a request for a change in the customer's service to the customer's preferred service provider, unless the service has already been changed to the preferred service provider.

**6.8(2)** The complaint or notification of receipt of a telephone or other oral complaint will also be forwarded to the alleged unauthorized service provider. That entity shall file a response to the complaint within 20 days of the date the complaint or notification of receipt of a telephone or other oral complaint was forwarded. The response must include proof of verification of the customer's authorization for a change in service or a statement that the unauthorized service provider does not have such proof of verification.

**6.8(3)** If the alleged unauthorized service provider includes with its response alleged proof of verification of the customer's authorization for a change in service, the response will be forwarded to the customer. The customer will have 10 days to challenge the verification or otherwise reply to the service provider's response.

**6.8(4)** As a part of the informal complaint proceedings, board staff may issue a proposed resolution to determine the potential liability, including assessment of damages, for unauthorized changes in service among the customer, the previous service provider, the executing service provider, and the submitting service provider, and any other interested person. In all cases, the proposed resolution allocates responsibility among the interested persons on the basis of their relative responsibility for the events that are the subject matter of the complaint. For purposes of this rule and in the absence of unusual circumstances, the term "damages" means charges directly relating to the telecommunications services provided to the customer that have appeared or may appear on the customer's bill. The term "damages" does not include incidental, consequential, or punitive damages.

**6.8(5)** If the complainant, the service provider, consumer advocate, or any other interested person directly affected by the proposed decision is dissatisfied with the proposed resolution, a request for formal complaint proceedings may be filed. A request for formal complaint proceedings will be processed by the board pursuant to 199—6.5(476) et seq.

If no request for formal complaint proceedings is received by the board within 14 days after issuance of the proposed resolution, the proposed resolution will be deemed binding upon all persons notified of the informal proceedings and affected by the proposed resolution. Notwithstanding the binding nature of any proposed resolution as to the affected persons, the board may at any time and on its own motion initiate formal proceedings that may alter the allocation of liability.

**6.8(6)** No entity may commence any actions to re-bill, directly bill, or otherwise collect any disputed charges for a change in service until after board action on the complaint is final. If final board action finds that the change in service was unauthorized and determines the customer should pay some amount less than the billed amount, the service provider is prohibited from re-billing or taking any other steps whatsoever to collect the difference between the allowed charges and the original charges.

These rules are intended to implement Iowa Code sections 476.2, 476.3, 476.103 and 546.7.