

IOWA UTILITIES BOARD

IN RE:

EXECUTIVE ORDER 10 — REVIEW OF
INTERSTATE NATURAL GAS
PIPELINES AND UNDERGROUND
STORAGE RULES [199 IOWA
ADMINISTRATIVE CODE CHAPTER 12]

DOCKET NO. RMU-2023-0012

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 Iowa 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 substantiated 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 rules 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 July 18, 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 12, which contains the Board's Interstate Natural Gas Pipelines and Underground Storage rules. Attached to this order as Attachment A is the Board's retrospective analysis (Red Tape Review Rule Report) of chapter 12, which the Board will 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 12, which the Board will submit in the legislative Rules Management System for publication in the Iowa Administrative Bulletin. The Board is proposing to rescind chapter 12.

The Board is also scheduling a technical conference for September 20, 2023. 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 Board's proposed decision to rescind chapter 12. Additionally, the Board is accepting written comments concerning the draft regulatory analysis and the proposed decision to rescind chapter 12 through September 20, 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.

IT IS THEREFORE ORDERED:

1. Docket No. RMU-2023-0012 is opened for purposes of conducting a comprehensive review of 199 Iowa Administrative Code chapter 12 pursuant to Executive Order Number 10.

2. A technical conference is set for 2 p.m. September 20, 2023, in the Utilities Board hearing room, located at 1375 E. Court Ave., Des Moines, Iowa.

Interested persons may appear in person or by webinar. Information for attending by

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webinar can be found on the Utilities Board's website on the Hearing and Meeting Calendar page.

5. Comments regarding the draft regulatory analysis or the proposed decision to rescind chapter 12 shall be filed by September 20, 2023.

UTILITIES BOARD

Erik M. Helland Date: 2023.07.27
09:14:20 -05'00'

Joshua Byrnes Date: 2023.07.27
09:18:49 -05'00'

ATTEST:

Keetah Horras 2023.07.27
10:03:38 -05'00'

Dated at Des Moines, Iowa, this 27th day of July, 2023.

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

Department Name:	Iowa Utilities Board	Date:	July 18, 2023	Total Rule Count:	7 rules in Chapter 12
IAC #:	199	Chapter/ SubChapter/ Rule(s):	199 IAC chapter 12	Iowa Code Section Authorizing Rule:	Iowa Code §§ 479A
Contact Name:	Matt Oetker	Email:	Matt.oetker@iub.iowa.gov	Phone:	515-725-7349

PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

Chapter 12 is a brief restatement of state and federal authorizations. The intended benefit is to publish those authorizations within the Iowa Administrative Code.

Is the benefit being achieved? Please provide evidence.

Yes; however, the Board is choosing to propose rescinding this chapter due to it being duplicative and unnecessary due to current requirements in the Iowa Code.

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

There are no costs required by this rule.

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

None. Any such costs arise from federal grant obligations.

Do the costs justify the benefits achieved? Please explain.

The benefits of this rule can be achieved through Iowa Code alone, the chapter is therefore being rescinded.

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.

A less restrictive alternative is simply to rescind the chapter, which is the Board's proposal.

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

Yes. The agency believes chapter 12, in its entirety, is redundant and unnecessary.

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

Chapter 12 in its entirety.

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

None

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

METRICS

Total number of rules repealed:	3
Proposed word count reduction after repeal and/or re-promulgation	160
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	3

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

No

Regulatory Analysis

TEXT BOXES WILL EXPAND AS YOU TYPE

Agency Name Iowa Utilities Board **Rule #** 199 IAC chapter 12

Iowa Code Section Authorizing Rule Iowa Code §§ 479A

State or Federal Law(s) Implemented by the Rule Iowa Code § 479A

Public Hearing

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

Date/Time: September 20, 2023 at 2 p.m.

Location: Iowa Utilities Board Hearing Room, 1375 East Court Avenue, Des Moines, Iowa 50319

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

Matt Oetker

Address

1375 E. Court Ave., Des Moines, Iowa 50319

Email and/or phone number

matt.oetker@iub.iowa.gov

Purpose and summary of proposed rule:

Chapter 12 is intended to publish state and federal authorizations in regard to interstate natural gas pipelines in the Iowa Administrative Code.

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:

Chapter 12 imposes no direct costs on the public. Pipeline companies may incur costs associated with the Board's oversight and any attorney fees but these costs are not impacted by Chapter 12.

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

None.

Regulatory Analysis

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:

None.

- Qualitative description of impact:

None.

3. Costs to the state

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

None.

- Anticipated effect on state revenues:

None

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

None.

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

Chapter 12 can be rescinded because it does not add to or further clarify existing statutory or federal regulatory requirements.

6. Alternative methods considered by the agency

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

Rescinding chapter 12 because the information contained therein is available elsewhere.

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

This is the option selected.

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.

ATTACHMENT B

Regulatory Analysis

- 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?

The agency does not believe chapter 12 has an adverse impact on small businesses.

Text of Proposed Rule:

ITEM 1. Rescind and reserve 199—Chapter 12