

## IOWA UTILITIES BOARD

IN RE:  REVIEW OF ELECTRONIC FILING RULES [199 IOWA ADMINISTRATIVE CODE CHAPTER 14]	DOCKET NO. RMU-2023-0014
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### **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 lowans, reducing the page and word count of the Iowa Administrative Code, and reducing restrictive rule language. As 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 June 14, 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 docket for purposes of conducting a comprehensive review of chapter 14, which contains the Board's Electronic Filing rules. Attached to this order as Attachment A is

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the Board's retrospective analysis (Red Tape Review Rule Report) of chapter 14, which Board staff 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 14, which Board staff will submit to 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 14 that the Board is evaluating whether to re-promulgate. The draft regulatory analysis attached to this order as Attachment B will be submitted to the Administrative Rules Code Editor for review and publication in the Iowa Administrative Bulletin and may contain changes from the version attached to this order.

Most of the current proposed changes to chapter 14 center on the removal of unnecessary and restrictive language. The proposed version of chapter 14 attached to this order would result in the reduction of 925 words and the elimination of 78 restrictive terms.

The Board is also scheduling a technical conference for October 18, 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 14 to be re-promulgated. Additionally, the Board will accept written comments concerning the regulatory analysis and the proposed re-promulgated version of chapter 14 through October 18, 2023. The Board will use the oral and written comments received to

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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-2023-0014 is opened for the purpose of conducting a comprehensive review of 199 Iowa Administrative Code chapter 14 pursuant to Executive Order Number 10.

2. A technical conference is set for 2 p.m. October 18, 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 webpage.

3. Comments regarding the draft regulatory analysis or the proposed re-promulgated version of chapter 14 shall be filed by October 18, 2023.

**UTILITIES BOARD**

Erik M. Helland Date: 2023.08.17  
15:20:43 -05'00'

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Joshua Byrnes Date: 2023.08.17  
10:15:08 -05'00'

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ATTEST:

Keetah Horras 2023.08.17  
15:39:38 -05'00'

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Sarah Martz Date: 2023.08.17  
15:13:08 -05'00'

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Dated at Des Moines, Iowa, this 17th day of August, 2023.

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

<b>Department Name:</b>	Iowa Utilities Board	<b>Date:</b>	August 10, 2023	<b>Total Rule Count:</b>	16 rules in chapter 14
<b>IAC #:</b>	199	<b>Chapter/ SubChapter/ Rule(s):</b>	199 IAC chapter 14	<b>Iowa Code Section Authorizing Rule:</b>	Iowa Code §§ 17A.4, 476.2
<b>Contact Name:</b>	Matt Oetker	<b>Email:</b>	<a href="mailto:Matt.oetker@iub.iowa.gov">Matt.oetker@iub.iowa.gov</a>	<b>Phone:</b>	515-725-7349

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

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

The intended benefit of Chapter 14 is to inform the public of Board requirements, exceptions, and procedures for electronic filing and service of documents.

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

The Board believes the public will be benefited by the availability of Board-published guidance on the requirements for electronic filing with the prevalence of electronic filing and the necessity of service of documents both filed with or issued by the Board.

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

To file electronically with the Board does not have any direct costs. There are indirect costs, such as internet connection, computer/tablet/phone/etc., or another method of having internet connection. There are exceptions to electronic filing, which would have a cost, such as mailing would require postage in addition to the costs of the supplies to generate the item that is mailed.

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

There are no additional costs to the Board beyond the salary of the employees who process and review the filings.

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

Because Chapter 14 imposes no direct costs on the public and no costs on the Board (or any other agency) and because the public do benefit from having the Board's requirements, exceptions, and procedures available, the benefits outweigh the 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.**

Chapter 14 merely conveys information about the availability of tools that may assist Iowans in filing in Board proceedings while informing the public on how to file within those proceedings.

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

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14.2 was revised to update outdated language.  
14.3 was revised to update outdated language.  
14.4 was revised to update outdated language and remove restrictive language.  
14.5 was revised to remove restrictive language.  
14.6 was revised to remove restrictive language.  
14.7 was revised to remove outdated.  
14.8 was revised to remove outdated and restrictive language.  
14.9 was revised to remove outdated language.  
14.10 was revised to remove outdated and restrictive language.  
14.11 was revised to remove restrictive language.  
14.12 was revised to update outdated language and to remove restrictive language.  
14.13 was revised to remove outdated and restrictive language.  
14.14 was revised to remove outdated and restrictive language.  
14.16 was revised to remove restrictive language.

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

None at this time.

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

CHAPTER 14

ELECTRONIC FILING

199—14.1(17A,476) Purpose. The purpose of these rules is to establish an electronic filing requirement, to identify exceptions to the electronic filing requirement, and to specify procedures regarding electronic filing and service of documents filed with or issued by the board.

199—14.2(17A,476) Scope and applicability of electronic filing requirement. Electronic filing is mandatory, unless specifically excepted by these rules or the board. The board will accept filings electronically pursuant to the rules in this chapter and the board's published standards for electronic information, available on the board's website (<https://iub.iowa.gov/>) or from the board's customer service bureau, or as delineated in the board order or other official statement requiring those filings.

199—14.3(17A,476) Definitions. Except where otherwise specifically defined by law:

*“Accepted for filing”* ordinarily means a filing will be published on the board's website. Certain documents will be accepted for filing without being published on the board's website. A filing that has been accepted for filing can be rejected if found not to comply with a board rule or order.

*“Electronic filing”* means the process of transmitting a document or collection of documents via the Internet to the board's electronic filing system for the purpose of submitting the document for board consideration.

**“Electronic filing system”** means the system used by the board's customer service bureau to accept and publish documents filed electronically and which allows the public and parties to view most documents filed with or issued by the board on the board's website.

**“Guest user”** means a person who uses the electronic filing system without a user ID and password. Guest users are able to view and file documents via the electronic filing system.

**“Publish”** means to make a document available for public viewing or download by posting it on the board's website.

**“Registered user”** means a person who has complied with the board's requirements at 199—14.6(17A,476) to obtain a user ID and password in order to submit filings for the board's consideration through the board's electronic filing system.

**199—14.4(17A,476) Exceptions; number of paper copies.** The following types of filings are not subject to the electronic filing requirement:

**14.4(1) Filings made by any person who has been excused from the requirement by board order granting a request for permission to file paper documents.** Upon request, the board may issue an order granting permission to file paper documents and specifying the number of paper copies to be filed.

**14.4(2) Informal consumer complaints.** Consumers may submit complaints electronically by using the online complaint form available on the board's website or by email; on paper by mail or facsimile; or by personally delivering the written complaint to the board's records and information center. Informal consumer complaint files are available for public inspection in the board's customer service bureau. An informal complaint file will be made available on the board's website, to the extent reasonable.

**14.4(3) Written objections to applications for electric transmission line franchises, pipeline permits, or hazardous liquid pipeline permits.** Written objections in these cases may be submitted through the electronic filing system or may be submitted in writing. Electronic filing of objections is preferred. A suggested objection form is available on the board's website.

**14.4(4) Comments from persons in any other proceeding in which comments from the public are permitted.** Persons may submit comments through the electronic filing system pursuant to these rules, by using any applicable online comment form available on the board's website, or by email; or comments may be submitted by letter. Comments from persons will ordinarily be published in the electronic filing system.

**199—14.5(17A,476) Electronic filing procedures and formats.** Electronic documents shall be filed in accordance with the following procedures and formats:

**14.5(1) Persons who make infrequent filings with the board may file as a guest user.** Persons who make regular filings with the board may register to obtain a user ID and password pursuant to registration procedures specified in 199—14.6(17A,476). The board may direct an infrequent filer to become a registered user.

**14.5(2) Electronic filings are made by uploading a document or collection of documents into the electronic filing system.** Emailing a document to the board does not constitute filing the document.

**14.5(3) A filer should provide all necessary information when electronically filing a document.**



14.5(4) Electronically filed documents are to be named in a way that accurately describes the contents of each document.

14.5(5) All documents are to be formatted in accordance with the board's standards for electronic information, which are available on the board's website or from the board's customer service bureau.

14.5(6) Any text-based document that has been scanned for electronic filing should be full-text searchable to the extent that is reasonably possible.

14.5(7) Spreadsheets, included in filings shall include all cell formulae and cell references. Where a filer requests confidential treatment of cell formulae and cell references or any other information included in a spreadsheet, workbook, or database, the filer may file a request for confidential treatment and two versions of the document: a public version of the document with the cell formulae deactivated and other confidential information redacted and a version not for publication containing live formulae and the information for which confidential treatment is requested.

14.5(8) Hyperlinks and other navigational aids may be included in an electronically filed document. Each hyperlink should contain a text reference to the target of the link. Although hyperlinks may be included in a document as an aid to the reader, the material referred to by the hyperlinks is not considered part of the official record or filing unless the referenced material itself is filed (e.g., hyperlinking a document previously filed in the board's electronic filing system). Hyperlinks to cited authority does not replace standard citation format for constitutional citations, statutes, cases, rules, or other similarly cited materials.

14.5(9) The electronic filing system will display an "Upload Complete" notice when the upload of the filing is completed. If the "Upload Complete" notice does not appear, the filer may contact the board's customer service bureau during regular business hours to determine the status of the filing.

14.5(10) After reviewing the filing, the board's customer service bureau will either accept or reject the filing. If the filing is accepted, the document (if not confidential) will be published on the board's website, and an electronic file stamp indicating the docket number(s) and date of filing will be added to the published document. A "Notice of Electronic Filing" containing a link to the filing will be sent by email to the filer and to all parties identified on the service list as able to receive electronic service. From the link, the recipient of the notice can view each published document included in the filing. Where a document is accompanied by a request for confidential treatment, the filing will include the public version of the document, in which information identified as confidential has been redacted. Where a filing consists only of a confidential document, such as a response to a board survey or other inquiry, which the board has deemed confidential pursuant to an order requiring the response, the document will not be published. Acceptance of a document for filing is not a final determination that the document complies with all board requirements and is not a waiver of such requirements. If a filing is rejected, a "Notice of Rejection" explaining why the filing has been rejected will be sent by email to the filer, or the filer will be contacted by other appropriate means.

14.5(11) Errors. If a filer discovers an error in the electronic filing or publishing of a document, the filer should contact the board's customer service bureau as soon as possible. The customer service bureau will review the situation and advise the filing party how the error will be addressed by the records and information center and what further action by the filer may be necessary, including a revised filing with the board. If errors in the filing or publishing of a document are discovered by the board's customer service bureau, board staff will ordinarily notify the filer of the error and advise the filer of what further action, if any, is necessary to address the error.



**14.5(12) Electronic documents and the hearing process.** Any pre-filed testimony or exhibit that is altered or corrected at the hearing in any way and admitted into evidence and any paper documents that are newly admitted into evidence as exhibits at the hearing, must be electronically filed at the earliest opportunity, but no later than three business days after the material is admitted into evidence.

**199—14.6(17A,476) Registration.** A person may become a registered user by completing the registration form, which is available on the board's website, and obtain a user ID and password. If a user believes the security of an existing password has been compromised, the user should change the password immediately and may contact the board's record and information center.

**199—14.7(17A,476) Electronic file.** The official agency record in any proceeding is the electronic file maintained in the electronic filing system and any paper filings accepted by the board that are not stored in electronic form.

**199—14.8(17A,476) Paper copies.** Any map, plan and profile drawing, or oversized document that is to be filed with the board should be electronically filed as a PDF (Portable Document Format) or such electronic format as designated by the board. If the map, drawing, or oversized document cannot be printed on 11-by-17 inch or smaller-sized paper in legible and usable form, as determined by the board, the original and four paper copies of each map, drawing, or other document filed pursuant to this rule should also be filed, unless more copies are directed by board order or request. Maps and other documents should be drawn to a scale appropriate for the level of detail to be shown. However, if the map, drawing, or other document is not electronically filed, then the number of paper copies specified in chapter 199—7 or other applicable rule govern.

**199—14.9(17A,476) When electronic filings can be made; official filing date.** Unless otherwise ordered, an electronic filing can be made at any time outside of any maintenance periods during which the system will not be available. The "Notice of Electronic Filing" generated when the document is accepted for filing will record the date of the filing of the document. This date will be the official filing date of the document regardless of when the filer actually submitted the document to the electronic filing system.

**199—14.10 (17A,476) Technical difficulties.** It is the responsibility of the filer to ensure that a document is timely filed to comply with jurisdictional deadlines. A technical failure of the electronic filing system, the filer's own computer equipment, or any other part of the filing system will not excuse the filer from compliance with a jurisdictional filing deadline. If a filer is not able to meet a nonjurisdictional deadline because of a technical failure, the filer should, by the earliest available conventional or electronic means, file the document and seek appropriate relief from the board.

**199—14.11(17A,476) Documents containing confidential material.** Confidential documents will not be published in the electronic filing system. When filing a document containing confidential information, a person shall file one public version of the document with the confidential information redacted according to the board's standards for electronic information and one version of the document containing the confidential information. The two versions of the document should be named according to the following convention: "Document Title – Public" and "Document Title – Confidential." It is the responsibility of the person submitting a public version of the electronic document to take appropriate measures to ensure that any embedded information for which confidential treatment is sought is nonviewable, nonsearchable, and nonreversible. A minimum of the first page of the confidential version of the document shall be marked in a way that identifies it as belonging to the confidential version of the document. The confidential material itself should be highlighted or otherwise distinguished on the page to identify what specific information is confidential. A filing including a document the filer asserts contains confidential information should also include a separate document containing the request for confidential treatment pursuant to chapter 199—1. Documents that the filer asserts contain confidential information will not be electronically served by the board's electronic filing system, as provided in chapter 199—14.



**199—14.12(17A,476) Signatures.**

**14.12(1) Filings by registered users.** The use of a user ID and password in accordance with the registration procedures specified in rule 14.6(17A,476) constitutes the filer's signature. Filers should use “/s/” followed by the signer's name to indicate a signature where applicable. All pleadings should also include a signature block containing the signer's name, title, address, email address, and telephone number. All electronic filings are presumed to have been made by the person whose user ID and password have been used to make the electronic filing.

**14.13(2) Filings by guest users.** The personal information provided to submit a filing as a guest user constitutes the filer's signature. Filers should use “/s/” followed by the signer's name to indicate a signature where applicable. All pleadings should also include a signature block containing the signer's name, title, address, email address, and telephone number.

**199—14.13(17A,476) Original documents.** When a board rule directs the filing of an original document not prepared by the filer or the party on whose behalf the document is filed, such as an invoice or other document, the filer should scan the original document and file the scanned document in the electronic filing system or request advance board approval of other arrangements.

**199—14.14(17A,476) Electronic service.**

**14.14(1) Service on parties able to receive electronic service.** Unless otherwise provided by board rule or order, whenever a document is filed electronically, a “Notice of Electronic Filing” will be generated and sent to the filer and to representatives of the other parties who are able to receive electronic service and who are on the service list. This notice will constitute valid service of electronically filed documents and board orders on parties accepting electronic service. The notice will include a service list providing names, addresses, and email addresses of the persons who were sent the notice. No additional proof or certificate of service is necessary in matters in which all parties are able to receive electronic service. It is the responsibility of the filer to review the notice to ensure that all parties have been provided notice. All parties are responsible for ensuring that their email accounts are monitored regularly and that email notices sent to the account are opened in a timely manner.

**14.14(2) Service on parties for whom electronic service is not available.** The service list in each proceeding will be available on the board's website. The list will identify the representatives for each party and will also indicate the parties for whom electronic service is not available. A filer is to serve a paper copy of any electronically filed document on all persons entitled to service for whom electronic service is not available, unless the parties agree to other arrangements. The date of service is the day when the document served is deposited in the United States mail or overnight delivery, is delivered in person, or otherwise as the parties may agree. A party serving a paper copy of any electronically filed document on a person for whom electronic service is not available is to file a certificate of service stating the manner in which service on such person was accomplished.

**14.14(3) Service of board-generated documents.** Orders issued by the board will be electronically filed. The electronic filing system will electronically transmit notice of posting of orders to all parties on the service list that are able to receive electronic service. This notice will constitute valid service of the order. The board's customer service bureau will mail paper copies of orders to parties who are not able to receive electronic service and to others as ordered.

**14.14(4) Exceptions.** Electronic service through the board's electronic filing system to parties other than the consumer advocate division of the department of justice is not to be used to serve a document which (1) the filer asserts contains confidential material or (2) initiates a proceeding, such as a complaint or application, except

**ATTACHMENT A**

for orders opening inquiries, investigations, or rule-making proceedings, or other similar proceedings where the board has an electronic service list on file.

14.14(5) *Changes to service list.* Filers wishing to change information on the service list may contact the board’s customer service bureau. Other changes to the service list, such as a withdrawal of appearance or substitution of counsel, may be requested by means of an appropriate filing.

These rules are intended to implement Iowa Code sections 17A.4 and 476.2.

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

**METRICS**

Total number of rules repealed:	0
Proposed word count reduction after repeal and/or re-promulgation	925
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	78

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

Not at this time.



Draft Regulatory Analysis

**TEXT BOXES WILL EXPAND AS YOU TYPE**

**Agency Name** Iowa Utilities Board **Rule #** 199 IAC  
chapter 14

**Iowa Code Section Authorizing Rule** Iowa Code §§ 17A.4, 476.2

**State or Federal Law(s) Implemented by the Rule** Iowa Code § 17A.4

**Public Hearing**

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

Date/Time: 10 / 18/2023 2:00 p.m. - 4:00 p.m.

Location: Board Hearing Room, 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

IT Support

Address

Iowa Utilities Board

Email and/or phone number

Email: ITSupport@iub.iowa.gov Phone: 515.725.7300

**Purpose and summary of proposed rule:**

To inform the public of Board requirements, exceptions, and procedures for electronic filing and service of documents.

**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:

To file electronically with the Board does not have any direct costs. There are indirect costs, such as internet connection, computer/tablet/phone/etc., or another method of having internet connection. There are exceptions to electronic filing, which would have a cost, such as mailing would require postage in addition to the costs of the supplies to generate the item that is mailed.

**ATTACHMENT B**

**Draft Regulatory Analysis**

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

Iowans, especially pro se Iowans, who wish to request Board action or who wish to participate in Board proceedings.

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:

The Board provides a number of rule chapters to assist the public with Board proceedings (e.g., complaints, procedures, filing, etc.). Chapter 14 is especially helpful to a person when that person is not familiar with Board procedure as the rules will provide the information about filing, when electronic filing is not necessary, and how service is completed. The chapter does not impose costs on the public or any agency, including the Utilities Board; however, if the public does choose to file there are indirect costs that go with any form of electronic communication. The public would not incur direct costs to access the public information filed in accordance with Chapter 14. As this is part of the everyday work of the Board, there is no additional impact to the Board, economic or otherwise.

- Qualitative description of impact:

Chapter 14 has some level of qualitative impact because it assists Iowans who may wish to appear before the Utilities Board or may wish to request Board action. This chapter ensures that persons who choose to participate in Board proceedings are aware of filing expectations and procedures.

3. Costs to the state

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

Because Chapter 14 merely provides information, there are no costs to the public unless the public chooses to file with the Board then there are indirect costs to the person, the agency, or any other agency.

- 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

Because Chapter 14 imposes no direct costs on the public and no costs on the Board (or any other agency) and because the public benefits from the availability of the information contained within Chapter 14, the benefits of providing the information outweighs the costs. Inaction is not advised because the public would not be aware of what was needed to fully participate in Board proceedings.

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



## Draft Regulatory Analysis

Because Chapter 14 imposes no direct costs, the Board does not believe there is a less costly or intrusive method.

6. Alternative methods considered by the agency

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

Inaction was considered by the Board.

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

As stated above, inaction is not advisable because there is value provided in letting the public know the Board's expectations, exceptions, and procedures for filing with the Board.

### 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?

The Board does not believe Chapter 14 has an adverse impact on small business.

### Text of Proposed Rule:

#### CHAPTER 14

#### ELECTRONIC FILING

**199—14.1(17A,476) Purpose.** The purpose of these rules is to establish an electronic filing requirement, to identify exceptions to the electronic filing requirement, and to specify procedures regarding electronic filing and service of documents filed with or issued by the board.

**Draft Regulatory Analysis**

199—14.2(17A,476) Scope and applicability of electronic filing requirement. Electronic filing is mandatory, unless specifically excepted by these rules or the board. The board will accept filings electronically pursuant to the rules in this chapter and the board's published standards for electronic information, available on the board's website (<https://iub.iowa.gov/>) or from the board's customer service bureau, or as delineated in the board order or other official statement requiring those filings.

199—14.3(17A,476) Definitions. Except where otherwise specifically defined by law:

*“Accepted for filing”* ordinarily means a filing will be published on the board's website. Certain documents will be accepted for filing without being published on the board's website. A filing that has been accepted for filing can be rejected if found not to comply with a board rule or order.

*“Electronic filing”* means the process of transmitting a document or collection of documents via the Internet to the board's electronic filing system for the purpose of submitting the document for board consideration.

*“Electronic filing system”* means the system used by the board's customer service bureau to accept and publish documents filed electronically and which allows the public and parties to view most documents filed with or issued by the board on the board's website.

*“Guest user”* means a person who uses the electronic filing system without a user ID and password. Guest users are able to view and file documents via the electronic filing system.

*“Publish”* means to make a document available for public viewing or download by posting it on the board's website.

*“Registered user”* means a person who has complied with the board's requirements at 199—14.6(17A,476) to obtain a user ID and password in order to submit filings for the board's consideration through the board's electronic filing system.

199—14.4(17A,476) Exceptions; number of paper copies. The following types of filings are not subject to the electronic filing requirement:

14.4(1) Filings made by any person who has been excused from the requirement by board order granting a request for permission to file paper documents. Upon request, the board may issue an order granting permission to file paper documents and specifying the number of paper copies to be filed.

14.4(2) Informal consumer complaints. Consumers may submit complaints electronically by using the online complaint form available on the board's website or by email; on paper by mail or facsimile; or by personally delivering the written complaint to the board's records and information center. Informal consumer complaint files are available for public inspection in the board's customer service bureau. An informal complaint file will be made available on the board's website, to the extent reasonable.



## Draft Regulatory Analysis

**14.4(3) Written objections to applications for electric transmission line franchises, pipeline permits, or hazardous liquid pipeline permits. Written objections in these cases may be submitted through the electronic filing system or may be submitted in writing. Electronic filing of objections is preferred. A suggested objection form is available on the board's website.**

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**199—14.5(17A,476) Electronic filing procedures and formats. Electronic documents shall be filed in accordance with the following procedures and formats:**

**14.5(1) Persons who make infrequent filings with the board may file as a guest user. Persons who make regular filings with the board may register to obtain a user ID and password pursuant to registration procedures specified in 199—14.6(17A,476). The board may direct an infrequent filer to become a registered user.**

**14.5(2) Electronic filings are made by uploading a document or collection of documents into the electronic filing system. Emailing a document to the board does not constitute filing the document.**

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**14.5(4) Electronically filed documents are to be named in a way that accurately describes the contents of each document.**

**14.5(5) All documents are to be formatted in accordance with the board's standards for electronic information, which are available on the board's website or from the board's customer service bureau.**

**14.5(6) Any text-based document that has been scanned for electronic filing should be full-text searchable to the extent that is reasonably possible.**

**14.5(7) Spreadsheets, included in filings shall include all cell formulae and cell references. Where a filer requests confidential treatment of cell formulae and cell references or any other information included in a spreadsheet, workbook, or database, the filer may file a request for confidential treatment and two versions of the document: a public version of the document with the cell formulae deactivated and other confidential information redacted and a version not for publication containing live formulae and the information for which confidential treatment is requested.**

**14.5(8) Hyperlinks and other navigational aids may be included in an electronically filed document. Each hyperlink should contain a text reference to the target of the link. Although hyperlinks may be included in a document as an aid to the reader, the material referred to by the**



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hyperlinks is not considered part of the official record or filing unless the referenced material itself is filed (e.g., hyperlinking a document previously filed in the board's electronic filing system). Hyperlinks to cited authority does not replace standard citation format for constitutional citations, statutes, cases, rules, or other similarly cited materials.

14.5(9) The electronic filing system will display an "Upload Complete" notice when the upload of the filing is completed. If the "Upload Complete" notice does not appear, the filer may contact the board's customer service bureau during regular business hours to determine the status of the filing.

14.5(10) After reviewing the filing, the board's customer service bureau will either accept or reject the filing. If the filing is accepted, the document (if not confidential) will be published on the board's website, and an electronic file stamp indicating the docket number(s) and date of filing will be added to the published document. A "Notice of Electronic Filing" containing a link to the filing will be sent by email to the filer and to all parties identified on the service list as able to receive electronic service. From the link, the recipient of the notice can view each published document included in the filing. Where a document is accompanied by a request for confidential treatment, the filing will include the public version of the document, in which information identified as confidential has been redacted. Where a filing consists only of a confidential document, such as a response to a board survey or other inquiry, which the board has deemed confidential pursuant to an order requiring the response, the document will not be published. Acceptance of a document for filing is not a final determination that the document complies with all board requirements and is not a waiver of such requirements. If a filing is rejected, a "Notice of Rejection" explaining why the filing has been rejected will be sent by email to the filer, or the filer will be contacted by other appropriate means.

14.5(11) Errors. If a filer discovers an error in the electronic filing or publishing of a document, the filer should contact the board's customer service bureau as soon as possible. The customer service bureau will review the situation and advise the filing party how the error will be addressed by the records and information center and what further action by the filer may be necessary, including a revised filing with the board. If errors in the filing or publishing of a document are discovered by the board's customer service bureau, board staff will ordinarily notify the filer of the error and advise the filer of what further action, if any, is necessary to address the error.

14.5(12) Electronic documents and the hearing process. Any pre-filed testimony or exhibit that is altered or corrected at the hearing in any way and admitted into evidence and any paper documents that are newly admitted into evidence as exhibits at the hearing, must be electronically filed at the earliest opportunity, but no later than three business days after the material is admitted into evidence.

199—14.6(17A,476) Registration. A person may become a registered user by completing the registration form, which is available on the board's website, and obtain a user ID and password. If a user believes the security of an existing password has been compromised, the user should change the password immediately and may contact the board's record and information center.



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**199—14.7(17A,476) Electronic file.** The official agency record in any proceeding is the electronic file maintained in the electronic filing system and any paper filings accepted by the board that are not stored in electronic form.

**199—14.8(17A,476) Paper copies.** Any map, plan and profile drawing, or oversized document that is to be filed with the board should be electronically filed as a PDF (Portable Document Format) or such electronic format as designated by the board. If the map, drawing, or oversized document cannot be printed on 11-by-17 inch or smaller-sized paper in legible and usable form, as determined by the board, the original and four paper copies of each map, drawing, or other document filed pursuant to this rule should also be filed, unless more copies are directed by board order or request. Maps and other documents should be drawn to a scale appropriate for the level of detail to be shown. However, if the map, drawing, or other document is not electronically filed, then the number of paper copies specified in chapter 199—7 or other applicable rule govern.

**199—14.9(17A,476) When electronic filings can be made; official filing date.** Unless otherwise ordered, an electronic filing can be made at any time outside of any maintenance periods during which the system will not be available. The “Notice of Electronic Filing” generated when the document is accepted for filing will record the date of the filing of the document. This date will be the official filing date of the document regardless of when the filer actually submitted the document to the electronic filing system.

**199—14.10 (17A,476) Technical difficulties.** It is the responsibility of the filer to ensure that a document is timely filed to comply with jurisdictional deadlines. A technical failure of the electronic filing system, the filer's own computer equipment, or any other part of the filing system will not excuse the filer from compliance with a jurisdictional filing deadline. If a filer is not able to meet a nonjurisdictional deadline because of a technical failure, the filer should, by the earliest available conventional or electronic means, file the document and seek appropriate relief from the board.

**199—14.11(17A,476) Documents containing confidential material.** Confidential documents will not be published in the electronic filing system. When filing a document containing confidential information, a person shall file one public version of the document with the confidential information redacted according to the board's standards for electronic information and one version of the document containing the confidential information. The two versions of the document should be named according to the following convention: “Document Title – Public” and “Document Title – Confidential.” It is the responsibility of the person submitting a public version of the electronic document to take appropriate measures to ensure that any embedded information for which confidential treatment is sought is nonviewable, nonsearchable, and nonreversible. A minimum of the first page of the confidential version of the document shall be marked in a way that identifies it as belonging to the confidential version of the document. The confidential material itself should be highlighted or otherwise distinguished on the page to identify what specific information is confidential. A filing including a document the filer asserts contains confidential information should also include a separate document containing the request for confidential treatment pursuant to chapter 199—1. Documents that the filer asserts contain confidential information will not be electronically served by the board's electronic filing system, as provided in chapter 199—14.



**Draft Regulatory Analysis****199—14.12(17A,476) Signatures.**

**14.12(1) *Filings by registered users.*** The use of a user ID and password in accordance with the registration procedures specified in rule 14.6(17A,476) constitutes the filer's signature. Filers should use “/s/” followed by the signer's name to indicate a signature where applicable. All pleadings should also include a signature block containing the signer's name, title, address, email address, and telephone number. All electronic filings are presumed to have been made by the person whose user ID and password have been used to make the electronic filing.

**14.13(2) *Filings by guest users.*** The personal information provided to submit a filing as a guest user constitutes the filer's signature. Filers should use “/s/” followed by the signer's name to indicate a signature where applicable. All pleadings should also include a signature block containing the signer's name, title, address, email address, and telephone number.

**199—14.13(17A,476) Original documents.** When a board rule directs the filing of an original document not prepared by the filer or the party on whose behalf the document is filed, such as an invoice or other document, the filer should scan the original document and file the scanned document in the electronic filing system or request advance board approval of other arrangements.

**199—14.14(17A,476) Electronic service.**

**14.14(1) *Service on parties able to receive electronic service.*** Unless otherwise provided by board rule or order, whenever a document is filed electronically, a “Notice of Electronic Filing” will be generated and sent to the filer and to representatives of the other parties who are able to receive electronic service and who are on the service list. This notice will constitute valid service of electronically filed documents and board orders on parties accepting electronic service. The notice will include a service list providing names, addresses, and email addresses of the persons who were sent the notice. No additional proof or certificate of service is necessary in matters in which all parties are able to receive electronic service. It is the responsibility of the filer to review the notice to ensure that all parties have been provided notice. All parties are responsible for ensuring that their email accounts are monitored regularly and that email notices sent to the account are opened in a timely manner.

**14.14(2) *Service on parties for whom electronic service is not available.*** The service list in each proceeding will be available on the board's website. The list will identify the representatives for each party and will also indicate the parties for whom electronic service is not available. A filer is to serve a paper copy of any electronically filed document on all persons entitled to service for whom electronic service is not available, unless the parties agree to other arrangements. The date of service is the day when the document served is deposited in the United States mail or overnight delivery, is delivered in person, or otherwise as the parties may agree. A party serving a paper copy of any electronically filed document on a person for whom electronic service is not available is to file a certificate of service stating the manner in which service on such person was accomplished.

**14.14(3) *Service of board-generated documents.*** Orders issued by the board will be electronically filed. The electronic filing system will electronically transmit notice of posting of orders to all parties on the service list that are able to receive electronic service. This notice will



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constitute valid service of the order. The board's customer service bureau will mail paper copies of orders to parties who are not able to receive electronic service and to others as ordered.

**14.14(4) *Exceptions.*** Electronic service through the board's electronic filing system to parties other than the consumer advocate division of the department of justice is not to be used to serve a document which (1) the filer asserts contains confidential material or (2) initiates a proceeding, such as a complaint or application, except for orders opening inquiries, investigations, or rule-making proceedings, or other similar proceedings where the board has an electronic service list on file.

**14.14(5) *Changes to service list.*** Filers wishing to change information on the service list may contact the board's customer service bureau. Other changes to the service list, such as a withdrawal of appearance or substitution of counsel, may be requested by means of an appropriate filing.

**These rules are intended to implement Iowa Code sections 17A.4 and 476.2.**

CHAPTER 14  
ELECTRONIC FILING

**199—14.1(17A,476) Purpose.** The purpose of these rules is to establish an electronic filing requirement, to identify exceptions to the electronic filing requirement, and to specify procedures regarding electronic filing and service of documents filed with or issued by the board.

**199—14.2(17A,476) Scope and applicability of electronic filing requirement.** Electronic filing is mandatory, unless specifically excepted by these rules or the board. The board will accept filings electronically pursuant to the rules in this chapter and the board's published standards for electronic information, available on the board's website (<https://iub.iowa.gov/>) or from the board's customer service bureau, or as delineated in the board order or other official statement requiring those filings.

**199—14.3(17A,476) Definitions.** Except where otherwise specifically defined by law:

*“Accepted for filing”* ordinarily means a filing will be published on the board's website. Certain documents will be accepted for filing without being published on the board's website. A filing that has been accepted for filing can be rejected if found not to comply with a board rule or order.

*“Electronic filing”* means the process of transmitting a document or collection of documents via the Internet to the board's electronic filing system for the purpose of submitting the document for board consideration.

*“Electronic filing system”* means the system used by the board's customer service bureau to accept and publish documents filed electronically and which allows the public and parties to view most documents filed with or issued by the board on the board's website.

*“Guest user”* means a person who uses the electronic filing system without a user ID and password. Guest users are able to view and file documents via the electronic filing system.

*“Publish”* means to make a document available for public viewing or download by posting it on the board's website.

*“Registered user”* means a person who has complied with the board's requirements at 199—14.6(17A,476) to obtain a user ID and password in order to submit filings for the board's consideration through the board's electronic filing system.

**199—14.4(17A,476) Exceptions; number of paper copies.** The following types of filings are not subject to the electronic filing requirement:

**14.4(1)** Filings made by any person who has been excused from the requirement by board order granting a request for permission to file paper documents. Upon request, the board may issue an order granting permission to file paper documents and specifying the number of paper copies to be filed.

**14.4(2)** Informal consumer complaints. Consumers may submit complaints electronically by using the online complaint form available on the board's website or by email; on paper by mail or facsimile; or by personally delivering the written complaint to the board's records and information center. Informal consumer complaint files are available for public inspection in the board's customer service bureau. An informal complaint file will be made available on the board's website, to the extent reasonable.

**14.4(3)** Written objections to applications for electric transmission line franchises, pipeline permits, or hazardous liquid pipeline permits. Written objections in these cases may be submitted through the electronic filing system or may be submitted in writing. Electronic filing of objections is preferred. A suggested objection form is available on the board's website.

**14.4(4)** Comments from persons in any other proceeding in which comments from the public are permitted. Persons may submit comments through the electronic filing system pursuant to these



rules, by using any applicable online comment form available on the board's website, or by email; or comments may be submitted by letter. Comments from persons will ordinarily be published in the electronic filing system.

**199—14.5(17A,476) Electronic filing procedures and formats.** Electronic documents shall be filed in accordance with the following procedures and formats:

**14.5(1)** Persons who make infrequent filings with the board may file as a guest user. Persons who make regular filings with the board may register to obtain a user ID and password pursuant to registration procedures specified in 199—14.6(17A,476). The board may direct an infrequent filer to become a registered user.

**14.5(2)** Electronic filings are made by uploading a document or collection of documents into the electronic filing system. Emailing a document to the board does not constitute filing the document.

**14.5(3)** A filer should provide all necessary information when electronically filing a document.

**14.5(4)** Electronically filed documents are to be named in a way that accurately describes the contents of each document.

**14.5(5)** All documents are to be formatted in accordance with the board's standards for electronic information, which are available on the board's website or from the board's customer service bureau.

**14.5(6)** Any text-based document that has been scanned for electronic filing should be full-text searchable to the extent that is reasonably possible.

**14.5(7)** Spreadsheets, included in filings shall include all cell formulae and cell references. Where a filer requests confidential treatment of cell formulae and cell references or any other information included in a spreadsheet, workbook, or database, the filer may file a request for confidential treatment and two versions of the document: a public version of the document with the cell formulae deactivated and other confidential information redacted and a version not for publication containing live formulae and the information for which confidential treatment is requested.

**14.5(8)** Hyperlinks and other navigational aids may be included in an electronically filed document. Each hyperlink should contain a text reference to the target of the link. Although hyperlinks may be included in a document as an aid to the reader, the material referred to by the hyperlinks is not considered part of the official record or filing unless the referenced material itself is filed (e.g., hyperlinking a document previously filed in the board's electronic filing system). Hyperlinks to cited authority does not replace standard citation format for constitutional citations, statutes, cases, rules, or other similarly cited materials.

**14.5(9)** The electronic filing system will display an "Upload Complete" notice when the upload of the filing is completed. If the "Upload Complete" notice does not appear, the filer may contact the board's customer service bureau during regular business hours to determine the status of the filing.

**14.5(10)** After reviewing the filing, the board's customer service bureau will either accept or reject the filing. If the filing is accepted, the document (if not confidential) will be published on the board's website, and an electronic file stamp indicating the docket number(s) and date of filing will be added to the published document. A "Notice of Electronic Filing" containing a link to the filing will be sent by email to the filer and to all parties identified on the service list as able to receive electronic service. From the link, the recipient of the notice can view each published document included in the filing. Where a document is accompanied by a request for confidential treatment, the filing will include the public version of the document, in which information identified as confidential has been redacted. Where a filing consists only of a confidential document, such as a response to a board survey or other inquiry, which the board has deemed confidential pursuant to

an order requiring the response, the document will not be published. Acceptance of a document for filing is not a final determination that the document complies with all board requirements and is not a waiver of such requirements. If a filing is rejected, a “Notice of Rejection” explaining why the filing has been rejected will be sent by email to the filer, or the filer will be contacted by other appropriate means.

**14.5(11) Errors.** If a filer discovers an error in the electronic filing or publishing of a document, the filer should contact the board's customer service bureau as soon as possible. The customer service bureau will review the situation and advise the filing party how the error will be addressed by the records and information center and what further action by the filer may be necessary, including a revised filing with the board. If errors in the filing or publishing of a document are discovered by the board's customer service bureau, board staff will ordinarily notify the filer of the error and advise the filer of what further action, if any, is necessary to address the error.

**14.5(12) Electronic documents and the hearing process.** Any pre-filed testimony or exhibit that is altered or corrected at the hearing in any way and admitted into evidence and any paper documents that are newly admitted into evidence as exhibits at the hearing, must be electronically filed at the earliest opportunity, but no later than three business days after the material is admitted into evidence.

**199—14.6(17A,476) Registration.** A person may become a registered user by completing the registration form, which is available on the board’s website, and obtain a user ID and password. If a user believes the security of an existing password has been compromised, the user should change the password immediately and may contact the board’s record and information center.

**199—14.7(17A,476) Electronic file.** The official agency record in any proceeding is the electronic file maintained in the electronic filing system and any paper filings accepted by the board that are not stored in electronic form.

**199—14.8(17A,476) Paper copies.** Any map, plan and profile drawing, or oversized document that is to be filed with the board should be electronically filed as a PDF (Portable Document Format) or such electronic format as designated by the board. If the map, drawing, or oversized document cannot be printed on 11-by-17 inch or smaller-sized paper in legible and usable form, as determined by the board, the original and four paper copies of each map, drawing, or other document filed pursuant to this rule should also be filed, unless more copies are directed by board order or request. Maps and other documents should be drawn to a scale appropriate for the level of detail to be shown. However, if the map, drawing, or other document is not electronically filed, then the number of paper copies specified in chapter 199—7 or other applicable rule govern.

**199—14.9(17A,476) When electronic filings can be made; official filing date.** Unless otherwise ordered, an electronic filing can be made at any time outside of any maintenance periods during which the system will not be available. The “Notice of Electronic Filing” generated when the document is accepted for filing will record the date of the filing of the document. This date will be the official filing date of the document regardless of when the filer actually submitted the document to the electronic filing system.

**199—14.10 (17A,476) Technical difficulties.** It is the responsibility of the filer to ensure that a document is timely filed to comply with jurisdictional deadlines. A technical failure of the electronic filing system, the filer's own computer equipment, or any other part of the filing system will not excuse the filer from compliance with a jurisdictional filing deadline. If a filer is not able to meet a nonjurisdictional deadline because of a technical failure, the filer should, by the earliest available conventional or electronic means, file the document and seek appropriate relief from the



board.

**199—14.11(17A,476) Documents containing confidential material.** Confidential documents will not be published in the electronic filing system. When filing a document containing confidential information, a person shall file one public version of the document with the confidential information redacted according to the board's standards for electronic information and one version of the document containing the confidential information. The two versions of the document should be named according to the following convention: “Document Title – Public” and “Document Title – Confidential.” It is the responsibility of the person submitting a public version of the electronic document to take appropriate measures to ensure that any embedded information for which confidential treatment is sought is nonviewable, nonsearchable, and nonreversible. A minimum of the first page of the confidential version of the document shall be marked in a way that identifies it as belonging to the confidential version of the document. The confidential material itself should be highlighted or otherwise distinguished on the page to identify what specific information is confidential. A filing including a document the filer asserts contains confidential information should also include a separate document containing the request for confidential treatment pursuant to chapter 199—1. Documents that the filer asserts contain confidential information will not be electronically served by the board's electronic filing system, as provided in chapter 199—14.

**199—14.12(17A,476) Signatures.**

**14.12(1) Filings by registered users.** The use of a user ID and password in accordance with the registration procedures specified in rule 14.6(17A,476) constitutes the filer's signature. Filers should use “/s/” followed by the signer's name to indicate a signature where applicable. All pleadings should also include a signature block containing the signer's name, title, address, email address, and telephone number. All electronic filings are presumed to have been made by the person whose user ID and password have been used to make the electronic filing.

**14.13(2) Filings by guest users.** The personal information provided to submit a filing as a guest user constitutes the filer's signature. Filers should use “/s/” followed by the signer's name to indicate a signature where applicable. All pleadings should also include a signature block containing the signer's name, title, address, email address, and telephone number.

**199—14.13(17A,476) Original documents.** When a board rule directs the filing of an original document not prepared by the filer or the party on whose behalf the document is filed, such as an invoice or other document, the filer should scan the original document and file the scanned document in the electronic filing system or request advance board approval of other arrangements.

**199—14.14(17A,476) Electronic service.**

**14.14(1) Service on parties able to receive electronic service.** Unless otherwise provided by board rule or order, whenever a document is filed electronically, a “Notice of Electronic Filing” will be generated and sent to the filer and to representatives of the other parties who are able to receive electronic service and who are on the service list. This notice will constitute valid service of electronically filed documents and board orders on parties accepting electronic service. The notice will include a service list providing names, addresses, and email addresses of the persons who were sent the notice. No additional proof or certificate of service is necessary in matters in which all parties are able to receive electronic service. It is the responsibility of the filer to review the notice to ensure that all parties have been provided notice. All parties are responsible for ensuring that their email accounts are monitored regularly and that email notices sent to the account are opened in a timely manner.

**14.14(2) Service on parties for whom electronic service is not available.** The service list in each

proceeding will be available on the board's website. The list will identify the representatives for each party and will also indicate the parties for whom electronic service is not available. A filer is to serve a paper copy of any electronically filed document on all persons entitled to service for whom electronic service is not available, unless the parties agree to other arrangements. The date of service is the day when the document served is deposited in the United States mail or overnight delivery, is delivered in person, or otherwise as the parties may agree. A party serving a paper copy of any electronically filed document on a person for whom electronic service is not available is to file a certificate of service stating the manner in which service on such person was accomplished.

**14.14(3) *Service of board-generated documents.*** Orders issued by the board will be electronically filed. The electronic filing system will electronically transmit notice of posting of orders to all parties on the service list that are able to receive electronic service. This notice will constitute valid service of the order. The board's customer service bureau will mail paper copies of orders to parties who are not able to receive electronic service and to others as ordered.

**14.14(4) *Exceptions.*** Electronic service through the board's electronic filing system to parties other than the consumer advocate division of the department of justice is not to be used to serve a document which (1) the filer asserts contains confidential material or (2) initiates a proceeding, such as a complaint or application, except for orders opening inquiries, investigations, or rule-making proceedings, or other similar proceedings where the board has an electronic service list on file.

**14.14(5) *Changes to service list.*** Filers wishing to change information on the service list may contact the board's customer service bureau. Other changes to the service list, such as a withdrawal of appearance or substitution of counsel, may be requested by means of an appropriate filing.

These rules are intended to implement Iowa Code sections 17A.4 and 476.2.