

IOWA UTILITIES BOARD

IN RE: EXECUTIVE ORDER 10 — REVIEW OF FORMS RULES [199 IOWA ADMINISTRATIVE CODE CHAPTER 2]	DOCKET NO. RMU-2023-0002
---------------------------------------------------------------------------------------------------------	--------------------------

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 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/red-tape-review> (last accessed on August 22, 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 2, which contains the Board's Forms rules. Attached to this order as Attachment A is the Board's

DOCKET NO. RMU-2023-0002

PAGE 2

retrospective analysis (Red Tape Review Rule Report) of chapter 2, 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 2, 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 2. 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.

The Board also will schedule 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 Board's proposed decision to rescind chapter 2. Additionally, the Board will accept written comments through October 18, 2023, concerning the draft regulatory analysis and the proposed chapter 2 rule making. 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-2023-0002 is opened for purposes of conducting a comprehensive review of 199 Iowa Administrative Code chapter 2 pursuant to Executive Order Number 10.
2. A technical conference is set for 9 a.m. October 18, 2023, in the Utilities Board hearing room, located at 1375 East Court Avenue, Des Moines, Iowa. Interested

DOCKET NO. RMU-2023-0002

PAGE 3

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 decision to rescind chapter 2 shall be filed by October 18, 2023.

UTILITIES BOARD

Erik M. Helland 2023.08.22
17:42:10 -05'00'

Joshua Byrnes Date: 2023.08.22
17:39:23 -05'00'

ATTEST:

Kerrilyn Russ 2023.08.23
09:01:21 -05'00'

Sarah Martz Date: 2023.08.22
21:44:18 -05'00'

Dated at Des Moines, Iowa, this 23rd day of August, 2023.

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

Department Name:	Iowa Utilities Board	Date:	August 10, 2023	Total Rule Count:	2 rules in Chapter 2
IAC #:	199	Chapter/ SubChapter/ Rule(s):	199 IAC chapter 2	Iowa Code Section Authorizing Rule:	Iowa Code §§ 17A.3, 474.5, 476.2
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?

The intended benefit of Chapter 2 is to inform the public of Board-published forms, which may be used in Board proceedings, and are available for review and use on the Board’s website.

Is the benefit being achieved? Please provide evidence.

The Board believes the public benefits by the availability of Board-published forms, especially for those lowans who do not typically appear in proceedings before the Board. This is evidenced by the number of pro se persons who use the forms in Board proceedings. However, it appears the public is not becoming aware of the availability of such forms through this Iowa Administrative Code chapter.

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

Because this chapter does not impose any requirements on the public, the public does not incur any costs. Chapter 2 merely provides information for lowans who wish to appear or participate in Board proceedings may find useful.

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

Chapter 2 does not impose any costs to the agency or any other agency because the forms are already created.

Do the costs justify the benefits achieved? Please explain.

Because chapter 2 imposes no costs on the public and no costs on the Board (or any other agency), and because the public does benefit from the availability of the forms, the benefits outweigh the costs.

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

ATTACHMENT A

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

Chapter 2 imposes no restrictions on the public and merely conveys information and the availability of tools that may assist lowans in Board proceedings.

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 2, in its entirety, is redundant and unnecessary.

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

2.1,
2.2,
Implementation Sentence

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:	2
Proposed word count reduction after repeal and/or re-promulgation	265
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	4

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

No

Draft Regulatory Analysis

TEXT BOXES WILL EXPAND AS YOU TYPE

Agency Name Iowa Utilities Board **Rule #** 199 IAC chapter 2

Iowa Code Section Authorizing Rule Iowa Code §§ 17A.3, 474.5, 476.2

State or Federal Law(s) Implemented by the Rule Iowa Code § 17A.3

Public Hearing

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

Date/Time: October 18, 2023, at 9 a.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

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

Purpose and summary of proposed rule:

To inform the public of the location of Board-approved forms that the public may use in connection with requests for Board action or in proceedings before the Board.

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 2 imposes no costs on the public

- 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 publishes a number of forms to assist the public with Board proceedings (*e.g.*, complaint forms, comment forms, 10 forms for electric transmission line cases, 3 forms for natural gas pipeline permit cases). However, the forms will be available for public use on the Board's website irrespective of Chapter 2. The Board does not believe a significant number of Iowans become aware of the availability of the forms solely by virtue of reading Chapter 2. The chapter does not impose costs on the public or any agency, including the Utilities Board.

- Qualitative description of impact:

Chapter 2 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. Additionally, Iowa Code § 17A.3(1)“b” requires agencies, including the Utilities Board, to adopt rules that include a “description of all forms and instructions that are to be used by the public in dealing with the agency.”

However, the Board believes the information contained in Chapter 2 is also available on the Board's website and within other Board rules. For example, in the Board's declaratory order chapter, 199 Iowa Administrative Code rule 4.1(2) notes that “a sample form of a petition for a declaratory order is available at the board's website.” Additionally, for electric transmission franchise proceedings, 199 Iowa Administrative Code rule 11.5(1) provides that petitions for a new franchise should be “filed on forms prescribed by the board.”

3. Costs to the state

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

Because Chapter 2 merely provides information, there are no costs to the public, the agency, or any other agency.

- Anticipated effect on state revenues:

The Board does not anticipate an effect on state revenues.

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

Because Chapter 2 imposes no costs on the public and no costs on the Board (or any other agency), and because the public do benefit from the availability of the forms, the benefits of providing the information outweighs the costs. However, the Board believes the information is being conveyed to the public through other Board rules and the Board's website.

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

Because Chapter 2 imposes no costs or requirements, 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:

The Board considered rescinding Chapter 2 because the information contained therein is available elsewhere.

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

This is the option the Board 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.
- 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 rescinding Chapter 2 will have an adverse impact on small business.

Text of Proposed Rule:

ITEM 1. Rescind and reserve 199—Chapter 2