

## IOWA UTILITIES BOARD

IN RE:

REVIEW OF NONUTILITY SERVICES—  
RECORDKEEPING AND COST  
ALLOCATIONS RULES [199 IOWA  
ADMINISTRATIVE CODE CHAPTER 33]

DOCKET NO. RMU-2023-0033

### ORDER COMMENCING RULEMAKING

On January 10, 2023, Gov. Kim Reynolds issued Executive Order Number 10 (Executive Order), which put a moratorium on agency rulemaking and directed agencies, including the Utilities Board (Board), to engage in a comprehensive evaluation of existing rules. Pursuant to the Executive Order, the Board is conducting comprehensive reviews of each chapter of its administrative rules.

According to the Executive Order rulemaking process, an agency may not commence a formal rulemaking without first approving a final regulatory analysis and receiving preclearance through a Request to Initiate Rulemaking. See <https://dom.iowa.gov/red-tape-review> (last accessed on October 5, 2023) (setting forth the Executive Order 10 Rulemaking Process). In an order previously issued in the above-captioned docket, the Board approved a final regulatory analysis for chapter 33, and as part of the order, indicated it was submitting a Request to Initiate Rulemaking. Since issuance of that order, the Board received preclearance to commence this chapter 33 rulemaking.

The Board is proposing to rescind chapter 33 and re-promulgate chapter 33 with a revised version of the chapter. The proposed chapter is shown in the Notice of Intended Action (NOIA) attached to this order as Attachment A and incorporated in this

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order by reference. The official version of the NOIA will be published in the Iowa Administrative Bulletin (IAB) and may contain additional nonsubstantive editorial changes. The NOIA will be submitted to the Administrative Rules Code Editor and published in the IAB. The date for filing written comments will be 20 days after publication. Additionally, per the Executive Order, the Board will hold two public hearings, the dates for which will be contained in the NOIA published in the IAB.

**IT IS THEREFORE ORDERED:**

1. The Notice of Intended Action attached to this order will be submitted to the Administrative Rules Code Editor for review and publication in the Iowa Administrative Bulletin and may contain minor editorial changes that are not shown in the attached Notice of Intended Action. The Notice of Intended Action published in the Iowa Administrative Bulletin will identify the public hearing dates.
2. Comments shall be due 20 days from the date of publication of the Notice of Intended Action in the Iowa Administrative Bulletin.

**UTILITIES BOARD**

Erik M. Helland Date: 2023.10.19  
13:13:51 -05'00'

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Joshua Byrnes Date: 2023.10.19  
09:58:10 -05'00'

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ATTEST:

Keetah A Horras Date: 2023.10.19  
15:32:16 -05'00'

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Sarah Martz Date: 2023.10.19  
14:28:02 -05'00'

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Dated at Des Moines, Iowa, this 19th day of October, 2023.

ITEM 1. Rescind 199—Chapter 33 and adopt the following **new** chapter in lieu thereof:

CHAPTER 33  
NONUTILITY SERVICES—RECORDKEEPING  
AND COST ALLOCATIONS

**199—33.1(476) Applicability.** This chapter applies to all rate-regulated public utilities.

**199—33.2(476) Definitions.** All terms used in this chapter are defined in Iowa Code section 476.72 unless further defined in this chapter.

“*Exception time reporting*” means when an employee works predominantly in either utility or nonutility operations and only reports time worked in the less predominant area.

“*Filing threshold*” means that the summation of an electric or gas utility’s revenues recorded in FERC accounts 415 and 417 equals 3 percent of a utility’s operating revenues recorded in FERC account 400, or the summation of a water utility’s revenues from nonutility service equals 3 percent of the utility’s operating revenues. The revenues in these accounts will be as recorded in the annual FERC Form 1 for electric and combination utilities, FERC Form 2 for gas utilities, and similar National Association of Regulatory Utility Commissioners (NARUC) accounts for water, sanitary sewage, or storm water drainage service utilities.

“*Fully distributed cost*” means a costing approach that fully allocates all current and embedded costs to determine the revenue contribution of utility and nonutility services.

“*Incidental activities*” means activities that are so closely related to the provision of utility services and limited in scale that it is impracticable to identify separately the costs of such activities.

“*Net book value*” means the original purchase price net of depreciation.

“*Nonproductive work time*” means time for which an employee is paid but which is not specifically attributable either to utility or to nonutility operations.

“*Positive time reporting*” means when productive work time is accounted for and allocated to utility operations or nonutility operations.

“*Study time reporting*” means when periodic studies are done to determine the amount of productive work time being spent on utility versus nonutility operations.

“*Utility operating revenues*” means the dollar amounts recorded in FERC account 400, or similar NARUC account, for water, sanitary sewage, or storm water drainage service utilities.

**199—33.3(476) Availability of records.**

**33.3(1) *Separate records.*** A rate-regulated public utility receiving revenues for providing nonutility service shall keep and render to the board separate records on the nonutility service.

**33.3(2) *Records to be maintained.*** The records maintained for each nonutility service and made available for inspection include the following: documents depicting accounts payable and vouchers; purchase orders; time sheets; journal entries; source and supporting documents for all transactions; a description of methods used to allocate revenues, expenses, and investments between utility and nonutility operations, including supporting detail; and copies of all filings required by other state and federal agencies.

**199—33.4(476) Costing methodology.** Costs shall be allocated between utility and nonutility operations using fully distributed cost consistent with this rule.

**33.4(1) *Cost causation for utility assets.*** Identify for each asset utilized directly or indirectly, in whole or in part, in the provision of nonutility services:

- a. The type of asset;
- b. The use of the asset;
- c. The proportional utilization of the asset between utility operations and nonutility operations;

## ATTACHMENT A

and

d. The characteristics of the asset that allow proper allocation.

**33.4(2) Cost causation for utility expenses.** Identify for each expense account wherein any expense related, directly or indirectly, to the provision of nonutility services is recorded:

a. The function causing the expense to be incurred;

b. The procedure used in performing the function;

c. The proportional utilization of the function between utility operations and nonutility operations;

and

d. The characteristics of the cost that allow proper allocation.

**33.4(3) Time reporting.** Use positive time reporting whenever possible; when it is not possible, exception time reporting or study time reporting may be used. Allocate nonproductive work time between utility and nonutility operations in proportion to the allocation of productive work time.

**199—33.5(476) Cost allocation manuals.** Every rate-regulated public utility equaling or exceeding the filing threshold in any calendar year shall file with the board a cost allocation manual on or before September 1 of the following year; however, a letter may be filed if the utility has not changed its cost allocation manual since the last filing. In the event the utility has made only minor changes to its manual to reflect new accounts or new affiliates or has modified language, the utility may file only the pages affected together with a cover letter explaining the pages being filed.

**33.5(1) Contents of manuals.** Each cost allocation manual shall contain the following information:

a. *Nonutility services.* A list, the location, and description of all nonutility services.

b. *Incidental activities.* A summary of incidental activities conducted by the utility.

c. *Resource identification.* An identification of the assets and expenses involved directly or indirectly, in whole or in part, in the provision of nonutility services as identified in subrules 33.4(1) and 33.4(2).

d. *Allocation methodology.* A description of the cost allocation methodology, including an overview, explanation, and justification of the details provided in response to paragraphs 33.5(1)“e” through “h” below.

e. *Allocation rationale.* A statement identifying, for each asset and expense account and subaccount identified in compliance with subrules 33.4(1) and 33.4(2), the basis for allocating costs in the account or subaccount to utility and nonutility operations, including any allocation factor used by the utility for this purpose.

f. *Accounts and records.* A description of each account and record used by the utility for financial recordkeeping for nonutility services, including all subaccounts.

g. *Allocation factors.* A paragraph containing, for each allocation factor identified in compliance with paragraph 33.5(1)“e,” an explanation of how the allocation factor is calculated, a description of each study and analysis used in developing the allocation factor, and the frequency with which each allocation factor is recalculated.

h. *Time reporting methods.* A paragraph indicating the type of time reporting (positive, exception, or study) used for each reporting organization (e.g., executive, residential sales, and external affairs) and providing a description of how the identified type of time reporting is performed in that reporting organization.

i. *Training.* A description of the training programs used by the utility to implement and maintain its cost allocation process.

j. *Update process.* A description of the procedures used by the utility to:

(1) Determine when an update is needed;

(2) Develop the update; and

(3) Provide the update to the board.

**33.5(2) Annual filing and acceptance of manuals.** The following procedure is used for the annual filing and acceptance of manuals.

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a. *Notice.* At the time of the initial filing and whenever a manual is updated, each utility mails or delivers a written notice to consumer advocate, local trade associations, and customers who have notified the utility in writing of their interest in the cost allocation manual. The notice will state that an objection may be filed with the board within 60 days of the filing of the manual with the board. The utility shall promptly provide copies of the manual upon request.

b. *Docketing.* If the board finds that reasonable grounds exist to investigate the manual, the board will docket the filing for investigation. At the time of docketing, the board will set a procedural schedule that includes a date for an oral presentation and an opportunity to file comments. If the board finds that there is no reason to investigate, the board issues an order stating the reasons for the board's decision within 90 days of the date of filing.

c. *Acceptance of manuals.* The board may accept, reject, or modify a utility's manual. However, any board decision is for accounting purposes only and is not binding in any other proceeding.

**33.5(3) Updating of manuals.** All affected sections and pages of a utility's manual are updated and filed with the board within 60 days of any of the following conditions:

a. A new nonutility business is commenced or acquired, or an existing nonutility business is eliminated or divested;

b. An affiliate relationship changes;

c. Operations affecting nonutility businesses change sufficiently to warrant a new allocation method; or

d. Accounting practices change.

**33.5(4) Reporting requirements—accounting tables.** Companies filing cost allocation manuals shall include in their annual reports tables showing for each account identified in compliance with subrules 33.4(1) and 33.4(2) the following: (a) the account total; (b) the amount allocated to nonutility services; (c) the amount allocated to utility services; and (d) the value of the allocation factors used to allocate costs to utility and nonutility services. Such tables are to be accompanied by a signed statement by an officer of the utility and an independent auditor certifying that, for the year covered by the report, the utility has complied with its cost allocation manual and that the data reported fairly reflect the actual operations of the utility.

**199—33.6(476) Standards for costing service transfers within a regulated subsidiary or utility.**

**33.6(1) Nonutility service provided to regulated subsidiary or utility.** The utility or its regulated subsidiary shall pay for a nonutility service provided to it by an affiliate at the price actually charged to nonaffiliates. If no such price is available, the service is priced at the lower of fully distributed cost, the price actually charged to affiliates, or the market price for comparable services.

**33.6(2) Service provided by the utility to nonutility operations.** A utility that provides utility service to a nonutility affiliate charges such affiliate the tariffed price or, if a tariffed price is not available, charges the fully distributed cost of the service.

**199—33.7(476) Standards for costing asset transfers within a regulated subsidiary or utility.**

**33.7(1)** If an asset that is a direct cost of nonutility operations becomes a cost of utility operations, the asset shall be transferred or allocated to utility operations at the lesser of net book value, the price actually charged to affiliates or nonaffiliates, or the market price of comparable assets.

**33.7(2)** If an asset that is a direct cost of utility operations becomes a cost of nonutility operations, the asset shall be transferred or allocated to the nonutility operations at the greater of net book value, the price actually charged to affiliates or nonaffiliates, or the market price of comparable assets.

These rules are intended to implement Iowa Code sections 476.72 through 476.83.