

## IOWA UTILITIES BOARD

<p>IN RE:</p> <p>EXECUTIVE ORDER 10 — REVIEW OF PROCEDURE FOR DETERMINING THE COMPETITIVENESS OF A COMMUNICATIONS SERVICE OR FACILITY RULES [199 IOWA ADMINISTRATIVE CODE CHAPTER 5]</p>	<p>DOCKET NO. RMU-2023-0005</p>
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### ORDER APPROVING REGULATORY ANALYSIS

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. The goals of the Executive Order include increasing public input in the rulemaking process, eliminating rules that do not provide substantial benefits to Iowans, reducing the page and word count of the Iowa Administrative Code, and reducing restrictive 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.

Pursuant to the Executive Order, the Board is conducting comprehensive reviews of each chapter of its administrative rules. Each review includes a technical conference for the Board to discuss a draft Regulatory Analysis with interested persons. For chapter 5, this technical conference was held on September 26, 2023. No commenting stakeholder requested changes to the draft Regulatory Analysis.

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The Board has reviewed the oral and written comments received and will approve the final regulatory analysis, attached to this order as Attachment A, which the Board will publish on the Board's website.

The Board will now seek authority to commence a formal rulemaking to repeal chapter 5 in the above-captioned docket by submitting the Request to Initiate Rulemaking, attached to this order as Attachment B, as required by the Red Tape Review Process. See <https://dom.iowa.gov/red-tape-review> (last accessed on Oct. 19, 2023) (setting forth Executive Order 10 forms and processes).

**IT IS THEREFORE ORDERED:**

The final regulatory analysis for 199 Iowa Administrative Code chapter 5 is approved.

**UTILITIES BOARD**

Erik M. Helland 2023.10.25  
11:17:26 -05'00'

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Joshua Byrnes Date: 2023.10.24  
10:39:21 -05'00'

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ATTEST:

Keetah A Horras Date: 2023.10.25  
13:04:33 -05'00'

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Sarah Martz Date: 2023.10.24  
10:47:29 -05'00'

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Dated at Des Moines, Iowa, this 25th day of October, 2023.

**Final Regulatory Analysis**

**TEXT BOXES WILL EXPAND AS YOU TYPE**

**Agency Name** Iowa Utilities Board **Rule #** 199 IAC Chapter 5

**Iowa Code Section Authorizing Rule** Iowa Code section 476.1D

**State or Federal Law(s) Implemented by the Rule** Iowa Code chapter 476

**Public Hearing**

A public hearing at which persons presented their views orally or in writing was held as follows:

Date/Time: September 26, 2023 2:00 p.m.

Location: Board Hearing Room, 1375 E. Court Ave., Des Moines, Iowa

Any interested person submitted written comments concerning this regulatory analysis. Written comments in response to this regulatory analysis was received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments were 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:**

This chapter is proposed to be rescinded.

**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:

Because chapter 5 merely restates and references existing statutes, there are no costs to the public, the agency, or any other agency and rescinding the chapter will not disturb the Board's authority in Iowa Code 467.1D.

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

Chapter 5 is proposed to be rescinded. The benefit of Chapter 5 is derived from statutory language, not from restatement in the rules.

### Final Regulatory Analysis

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

- Quantitative description of impact:

There is no quantitative impact.

- Qualitative description of impact:

There is no qualitative impact.

3. Costs to the state

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

There is no cost borne by the agency or any other agency.

- Anticipated effect on state revenues:

There is not an anticipated effect on state revenues.

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

Chapter 5 does not impose any costs if it remains in Board rules. The primary benefit is a simplified regulatory framework.

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

Chapter 5 can be rescinded because it does not add to or further clarify existing statutory authority. The agency has determined that it is less intrusive to simply utilize the existing statutory language without the additional burden of a rule restating the same.

6. Alternative methods considered by the agency

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

Rescinding most of Chapter 5 but keeping a consolidated reference to the various statutory provisions.

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

The agency believes that the restatement of statute is an unnecessary function of an administrative rule and consistency in administrative workup can be achieved through the statute alone.



## Final Regulatory Analysis

### 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 the rule chapter has an adverse impact on small business, nor would rescinding the chapter.

### Text of Proposed Rule:

ITEM 1. Rescind and reserve 199—Chapter 5.

**Executive Order 10 – Red Tape Review  
Request to Initiate New Rulemaking**

Agency Name Iowa Utilities Board

Rule Number(s) 199 Iowa Administrative Code Chapter 5

Agency Point of Contact (POC) Maison Bleam

Agency POC Phone 515-380-9587 Email maison.bleam@iub.iowa.gov

This new rulemaking action was directed by the Administrative Rules Coordinator.

If the new rulemaking action was not directed by the ARC:

This new rulemaking action is narrowly-tailored to achieve the following objective(s):

Reduce or remove a regulatory burden, including reducing restrictive terms.

Remove obsolete, outdated, inconsistent, incompatible, redundant, or unnecessary regulations, including instances where rule language is duplicative of statutory language.

Comply with a new statutory requirement, court order, or federal mandate where no waiver is permitted.

Provide bill# or statutory citation                      or attach copy of court order.

Prevent a substantiated and well-documented threat to public health, peace, or safety.

Attach substantiated and well-documented evidence of threat to public health, peace, or safety.

Reduce state spending

Attach fiscal estimate

Repeal a rule chapter as specified in Executive Order 10

Re-promulgate a rule chapter as specified in Executive Order 10

A copy of the final regulatory analysis required under Executive Order 10 is attached.

Date of the public hearing on the regulatory analysis 09 / 26 / 2023

ARC Preclearance

Date      /      /