

## IOWA UTILITIES BOARD

IN RE:  REVIEW OF UTILITY RECORDS RULES [199 IOWA ADMINISTRATIVE CODE CHAPTER 18]	DOCKET NO. RMU-2023-0018
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### 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 18, 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 18 rulemaking.

The Board is proposing to rescind chapter 18 and re-promulgate chapter 18 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 2023.11.01  
12:10:42 -05'00'

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Joshua Byrnes Date: 2023.11.01  
15:07:25 -05'00'

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ATTEST:

Kerrilyn Russ 2023.11.02  
10:47:41 -05'00'

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Sarah Martz Date: 2023.11.02  
09:44:57 -05'00'

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Dated at Des Moines, Iowa, this 2nd day of November, 2023.

NOTICE OF INTENDED ACTION

ITEM 1. Rescind 199—Chapter 18 and adopt the following new chapter in lieu thereof:

CHAPTER 18  
UTILITY RECORDS

**199—18.1(476) Definitions.** The following words and terms, when used in this chapter, have the meanings shown below:

“*FCC rules*” means the rules and regulations of the Federal Communications Commission under the Communications Act of 1934 as published in the Code of Federal Regulations (CFR).

“*FERC rules*” means the rules and regulations of the Federal Energy Regulatory Commission under the Federal Power Act and Natural Gas Act as published in the CFR.

“*NARUC guidelines*” means the guidelines published by the National Association of Regulatory Utility Commissioners.

“*RUS rules*” means the rules and regulations of the Rural Utilities Service, 7 CFR Part 1767, of the United States Department of Agriculture applicable to electric and telephone borrowers of the RUS under the terms of their mortgages to the RUS.

**199—18.2(476) Location of records.** All records kept pursuant to any rules of the board, or necessary for the administration thereof, shall be kept or made accessible within this state unless otherwise authorized by the board, including:

**18.2(1)** The utility’s tariffs.

**18.2(2)** A record of the telephone number and business location of the utility’s administrative, technical, and operating personnel within the state.

**18.2(3)** The most recent inspection report.

**18.2(4)** The most recent rate case filing.

**18.2(5)** Annual reports for the past five years.

**18.2(6)** Shareholder’s reports for the past five years.

**18.2(7)** Form IG-1 (gas utilities).

**18.2(8)** Form IE-1 (electric utilities).

**18.2(9)** Information regarding the location of other books, records, and accounts to be maintained or made accessible pursuant to statute or rule.

**199—18.3(476) Availability of records.** All records kept pursuant to any rules of the board, which are of a general corporate nature or otherwise pertain to the utility’s operations as a whole, shall be made available for examination by the board during normal business hours, unless otherwise authorized by the board. Upon receipt by a utility of a formal request in writing from the board for records or information pertaining to records required by any board rule, the utility shall provide the requested information to the board within 15 days of receiving the written request from the board unless the utility files an objection to the request or a request for an extension of time within seven days of the utility’s receipt of the information request. The objection or request for extension of time is to be filed in writing and state the concise grounds for relief. If the board finds that the objection or request for extension of time does not have merit, the information originally requested shall be provided immediately upon receiving notice of the board’s decision.

**199—18.4(476) Electric utilities other than rural electric cooperatives.**

**18.4(1) Units of property.** Electric utilities subject to rate regulation shall maintain an accounting system for Units of Property in Accounting for Additions and Retirements of Electric Plant in accordance with board chapter 199—16(476) Uniform systems of accounts—electric rules.

**18.4(2) *Preservation of records.*** All electric utilities subject to regulation by the board shall preserve the records of their operations in accordance with the provisions of Part 125 of the FERC rules, 18 CFR Part 125, Preservation of Records of Public Utilities and Licensees, as issued on August 15, 2000. Rate-regulated companies further ensure the preservation of records of associated companies, whether or not the associated companies are themselves utilities, as necessary to support the cost of services rendered to the utility by the associated companies.

**199—18.5(476) Rural electric cooperatives.**

**18.5(1) *Units of property.*** Rural electric cooperatives (RECs) subject to rate regulation by the board shall adopt the RUS rules contained in RUS 7 CFR Part 1767 published May 27, 2008. The REC shall maintain sufficient records to support additions to plant, retirement units, and replacements of electric plant, in accordance with 7 CFR Part 1767.10, Definitions; 7 CFR Part 1767.15, General Instructions; 7 CFR Part 1767.16, Electric Plant Instructions; and 7 CFR Part 1767.20, Plant Accounts.

**18.5(2) *Preservation of records.*** RECs shall preserve the records of their operations in accordance with the provisions of the RUS rules contained in RUS Bulletin 180-2, Record Retention Recommendations for RUS Electric Borrowers, issued June 26, 2003.

**199—18.6(476) Gas utilities.**

**18.6(1) *Units of property.*** Gas utilities subject to rate regulation shall maintain an accounting system for Units of Property in Accounting for Additions and Retirements of Gas Plant in accordance with board chapter 199—16(476) Uniform systems of accounts—gas rules.

**18.6(2) *Preservation of records.*** All gas utilities subject to regulation by the board shall preserve the records of their operations in accordance with the provisions of FERC rules, 18 CFR Part 225, Preservation of Records of Natural Gas Companies, as issued August 15, 2000. Rate-regulated companies further ensure the preservation of records of associated companies, whether or not the associated companies are themselves utilities, as necessary to support the cost of services rendered to the utility by the associated companies.

**199—18.7(476) Water, sanitary sewage, and storm water drainage utilities.**

**18.7(1) *Units of property.*** Water, sanitary sewage, and storm water drainage utilities subject to rate regulation shall maintain an accounting system for Units of Property in Accounting for Additions and Retirements of Water Plant in accordance with board chapter 199—16(476) Uniform systems of accounts—water rules.

**18.7(2) *Preservation of records.*** All water, sanitary sewage, and storm water drainage utilities subject to regulation by the board shall preserve the records of their operations in accordance with the provisions of the NARUC guidelines: Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities, revised October 2007 edition. Regulated water, sanitary sewage, and storm water drainage utilities shall further ensure the preservation of records of associated companies, whether or not the associated companies are themselves utilities, as necessary to support the cost of services rendered to the utility by the associated companies.

These rules are intended to implement Iowa Code sections 476.31 and 546.7