

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 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 5, 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 5 rulemaking.

The Board is proposing to rescind and reserve chapter 5. The proposed rescission is shown in the Notice of Intended Action (NOIA) attached to this order as

DOCKET NO. RMU-2023-0005
PAGE 2

Attachment A and incorporated in this 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: 2023.11.03
15:10:18 -05'00'

Joshua Byrnes Date: 2023.11.03
10:33:02 -05'00'

ATTEST:

Kerrilyn Russ 2023.11.03
15:57:55 -05'00'

Sarah Martz Date: 2023.11.03
12:22:04 -05'00'

Dated at Des Moines, Iowa, this 3rd day of November, 2023.

ATTACHMENT A

UTILITIES DIVISION [199]

DRAFT Notice of Intended Action

The following rule-making action is proposed:

- ITEM 1. Rescind and reserve **199—Chapter 5**.