

## IOWA UTILITIES BOARD

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

### 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 2, this technical conference was held on October 18, 2023, and was attended by the Office of the Consumer Advocate (OCA), a division of the Iowa Department of Justice; Interstate Power and Light Company; Iowa-American Water Company; MidAmerican Energy Company (MidAmerican); and Black Hills/Iowa Gas Utility Company, LLC d/b/a Black Hills Energy (Black Hills). The Board also received written filings from OCA, MidAmerican, and Black Hills.

DOCKET NO. RMU-2023-0002  
PAGE 2

No commenting stakeholder requested changes to the draft Regulatory Analysis. Therefore, the Board will approve the draft Regulatory Analysis as the final version, attached to this order as Attachment A, without change. The Board will also publish the final Regulatory Analysis on its website as required under the Executive Order.

Additionally, as part of the draft Regulatory Analysis, the Board proposed to rescind and reserve chapter 2. No commenting stakeholder opposed the proposed rescission, and several stakeholders expressed support for the same. Consequently, the Board will seek authority to commence a formal rulemaking 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 October 26, 2023) (setting forth Executive Order 10 forms and processes).

**IT IS THEREFORE ORDERED:**

The final regulatory analysis for 199 Iowa Administrative Code chapter 2 is approved.

**UTILITIES BOARD**

Erik M. Helland Date: 2023.11.13  
14:43:47 -06'00'

---

Joshua Byrnes Date: 2023.11.13  
16:54:04 -06'00'

---

ATTEST:

Keetah A Horras Date: 2023.11.13  
16:05:15 -06'00'

---

Sarah Martz Date: 2023.11.09  
14:12:10 -06'00'

---

Dated at Des Moines, Iowa, this 13th day of November, 2023.

Final 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 was held as follows:

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

Location: Board Hearing Room, 1375 East Court Avenue, Des Moines, Iowa 50319

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

ITsupport@iub.iowa.gov

**Purpose and summary of proposed rule:**

The purpose of Chapter 2 is 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. However, the forms will be available for public use on the Board’s website irrespective of Chapter 2; therefore, the chapter is being 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:

Chapter 2 imposes no direct 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 benefit from the chapter.

**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:

The Board publishes a number of forms to assist the public with Board proceedings (e.g., complaint forms, comment forms, ten forms for electric transmission line cases, three 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 Board.

- Qualitative description of impact:

Chapter 2 has some level of qualitative impact because it assists Iowans who may wish to appear before the Board or may wish to request Board action. Additionally, Iowa Code section 17A.3(1)“b” requires agencies, including the 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 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, subrule 4.1(2) notes that “a sample form of a petition for a declaratory Filed with the Iowa Utilities Board on October 3, 2023, RMU-2023-0002 order is available at the board’s website.” Additionally, for electric transmission franchise proceedings, subrule 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 does benefit from the availability of the forms, the benefits of providing the information outweigh 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.

**ATTACHMENT A**

**Final Regulatory Analysis**

6. Alternative methods considered by the agency

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

No alternative methods were considered.

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

No alternative methods were considered.

**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 Chapter 2 has an adverse impact on small business.

**Text of Proposed Rule:**

ITEM 1. Rescind and reserve 199—Chapter 2.

**ATTACHMENT B**

**Executive Order 10 – Red Tape Review**

**Request to Initiate New Rulemaking**

Agency Name Iowa Utilities Board

Rule Number(s) 199 Iowa Administrative Code chapter 2

Agency Point of Contact (POC) Maison Blead

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 10/18/2023

ARC Preclearance

Date      /      /