

IOWA UTILITIES BOARD

IN RE: INTERSTATE POWER AND LIGHT COMPANY	DOCKET NO. RPU-2023-0002
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ORDER ESTABLISHING PROCEDURAL SCHEDULE WITH DISSENTING OPINION

BACKGROUND

On October 12, 2023, Interstate Power and Light Company (IPL) filed with the Utilities Board (Board) an Application for Revision of Electric and Natural Gas Rates (Application). IPL's Application is identified as Docket No. RPU-2023-0002. On November 8, 2023, the Board issued an order docketing proposed tariffs, granting waiver, and setting scheduling conference. The November 8, 2023 order also found IPL's application to be substantially complete. On December 13, 2023, the Board issued an order requiring additional information be filed on or before January 12, 2024.

On November 21, 2023, the Board held a scheduling conference where IPL; the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice; and other interested persons were able to attend and provide recommendations on a procedural schedule for this matter. A second scheduling conference was held January 22, 2024, and was attended by the following parties: IPL; OCA; Iowa Business Energy Coalition; Large Energy Group; Environmental Law & Policy Center; Iowa Environmental Council; Clean Energy Districts of Iowa Coalition; Walmart, Inc.; and one other interested person, representing Archer Daniels Midland Company.

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PROCEDURAL SCHEDULE

At the January 22, 2024 scheduling conference, those in attendance were given the opportunity to provide additional information that supported their prefiled proposed procedural schedules. Parties also provided dates that attorneys and witnesses would be unavailable to attend.

IPL correctly identified that the Board did find IPL met the minimum filing requirements and, thus, found the application was substantially complete. However, this finding did not mean additional review and significant changes would not be needed to the information filed in conjunction with the application, as can be true of any rate proceeding. Whether an extension is needed will always be on a case-by-case basis. As in this proceeding, the Board requested on December 13, 2023, that IPL file additional information. IPL filed on January 5, 2024, one week early, additional information and supplemental direct testimony. Supplemental direct testimony is not always anticipated as it is not inherent in the deadlines set forth in Iowa Code § 476.33.

Numerous parties requested the Board extend the ten-month time frame provided for in Iowa Code § 476.33 and Board rules 199 Iowa Administrative Code (IAC) chapter 26. Completing this rate case within the allotted ten months would be preferable; however, circumstances in this case support an extension to that time frame. OCA and all intervenors filed proposed procedural schedules with a hearing date that exceeded the 10-month time frame. At the January 22, 2024 scheduling conference, no interested person in attendance, other than IPL, spoke against extending the hearing date.

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The Board agrees with the sentiment that the complexity and breadth of issues presented in this case warrant the allotment of additional time in the procedural schedule. Allowing more time for the Board and parties to fully understand the details of the case will benefit ratepayers in the form of a more well-reasoned decision. As Iowa Code § 476.33(1) allows the Board to grant additional time for good cause, the Board will extend the procedural schedule to allow for a hearing to begin on July 9, 2024. To accommodate a later hearing, the Board will also amend the other dates established within the procedural schedule.

Based upon the information provided at the scheduling conference and included in the responses filed in the docket, the Board has prepared a procedural schedule, which is set forth in Attachment A, attached to this order and incorporated herein by reference. Those persons granted intervention are allowed to present evidence and question witnesses as a party, in conformance with the procedural schedule and at the hearing. The procedural schedule will also include a technical conference date; however, if it is determined that a technical conference is not needed, the technical conference can be canceled.

SETTLEMENT PROCEDURES

If the parties to this proceeding reach a settlement that resolves any of the contested issues, the settlement must comply with the provisions in 199 Iowa IAC chapters 7 and 26. Board subrules 7.18 and 26.15 address the manner and method of proposing a settlement, set forth the content requirements for a settlement proposal, and provide time frames. If a proposed settlement is filed on or before June 18, 2024,

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the scheduled hearing will be on the settlement; however, if the settlement is filed after that date, the hearing will be rescheduled to allow all parties and the Board time to adequately review the settlement and its terms. If a settlement is reached among the parties, the Board is required to consider whether the “settlement is reasonable in light of the whole record, consistent with law, and in the public interest.” 199 IAC 7.18.

MARKING OF TESTIMONY AND EXHIBITS

Prepared testimony and exhibits shall conform to the Board’s practice and procedure rules; must be filed in the Board’s electronic filing system (EFS) electronically, in accordance with 199 IAC chapter 14; and shall conform to the naming conventions set forth through this order. Chapter 26 of the Board’s rules contains procedural rules and filing requirements specific to rate case proceedings, unless extended by the Board for good cause. Where chapter 26 does not provide specific procedural guidance, the general contested case rules in chapter 7 apply to this type of proceeding. The Board is establishing the following naming conventions for this proceeding:

- Prefiled direct, rebuttal, reply, and surrebuttal testimony shall be identified by “(name of party) (witness last name) Direct/Rebuttal/Reply/Cross-rebuttal/Surrebuttal Testimony.” Exhibits are numbered sequentially and shall be identified as “(name of party) (witness last name) Direct/Rebuttal/Reply/Cross-rebuttal/Surrebuttal Exhibit (Exhibit number).” Filings or documents that pertain to both electric and gas do not need an identifier in the title; however, if a filing or document only pertains to one utility type, the filing and document title should indicate either “electric” or “gas.”
- Document titles entered in EFS, including testimony and supporting documents, should be titled using the prescribed naming conventions. Testimony and exhibits should not be combined into one document but may be filed within the same filing. If parties are combining exhibits into a

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single subject, there is a limit of 20 megabytes and no more than 20 separate documents per filing shall be included.

- Markings for exhibits shall appear in the upper right corner of the document and contain the party name, last name of the witness, type of testimony (hearing), and exhibit number. All pages are to be numbered.
- Testimony and exhibits may not be combined into one document. Workpapers filed in support of an exhibit shall be marked with the filing party's name, then the exhibit number for the exhibit that the workpapers support and the word "workpapers."
- Rather than having each party provide a paper copy of its prefiled testimony and exhibits to the court reporter, the Board will ask the parties at hearing to stipulate all prefiled testimony and exhibits be made a part of the record.
- Exhibits offered at hearing shall be identified as "(name of party) Hearing Exhibit (number of exhibit)" and labeled in advance, to the extent possible. Parties that may offer an exhibit at hearing should be prepared to bring or create enough labeled copies for the Board, court reporter, witness, Board technical staff, and each party. Exhibits not previously filed in EFS prior to the hearing shall be filed in EFS within three days of the conclusion of the hearing.
- All confidential exhibits must be supplemented with a request for confidential treatment per 199 IAC chapter 1. All confidential exhibits must include a public and confidential version of the document and be filed as part of the same filing, but as a separate document. All confidential documents shall be marked in accordance with 199 IAC chapter 14.

ORDERING CLAUSES

IT IS THEREFORE ORDERED:

1. The procedural schedule established for this docket is attached to this order and identified as Attachment A.
2. Settlements that resolve any of the contested issues in this proceeding must be filed on or before June 18, 2024, to allow the Utilities Board time to review the

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settlement before hearing. Any settlements filed after this date will cause the hearing to be rescheduled for a later date.

3. A public hearing for the cross-examination of witnesses will begin at 9 a.m. July 9, 2024, in the Utilities Board Hearing Room, located at 1375 E. Court Ave., Des Moines, Iowa. Persons with disabilities who will require assistive services or devices to observe or participate in this hearing shall contact the Utilities Board Customer Service at 515-725-7300 or customer@iub.iowa.gov at least five business days in advance of the hearing to request appropriate arrangements.

UTILITIES BOARD

Erik M. Helland 2024.01.24
10:22:31 -06'00'

ATTEST:

Sadi Reimann Digitally signed by Sadi Reimann
Date: 2024.01.24 14:21:22 -06'00'

Sarah Martz Date: 2024.01.24
09:57:23 -06'00'

Dated at Des Moines, Iowa, this 24th day of January, 2024.

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DISSENTING OPINION

Consistent with my previous dissents on this matter, I continue to respectfully dissent from the majority's decision as it relates to the procedural schedule.

Iowa Code § 476.33 clearly lays out the legislature's expectation that rate proceedings are to be conducted within a 10-month time span, absent good cause shown. Numerous parties to this proceeding have asserted there is good cause for exceeding the 10-months established by statute in this situation due to the "complexity" of this proceeding. I fail to see how this rate proceeding is any more "complex" than the last general rate proceeding conducted by Interstate Power and Light Company (IPL) in Docket No. RPU-2019-0001. This is not the first rate case to come before the Board. Apart from asserting the alleged complexity, no party, in my opinion, has put forth a showing as to why good cause exists to go extend the 10-month time frame beyond saying it does.

As noted by both IPL and the CEDI Coalition, besides being the legislative directive, the 10-month time frame is good policy to follow. The Board has to weigh potential detriments to parties with the benefits of all parties knowing what the regulatory framework is when a proceeding, such as this, is brought before the Board. Recreating the wheel every time a proceeding is brought before the Board benefits no one. That is why the legislature enacted the 10-month expectation and the Board has adopted administrative rules that are built around the 10-month time frame. By the Board agreeing to go beyond 10 months in this situation, the Board has, in my opinion, opened the door for all subsequent rate cases to go beyond the 10-

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month time frame when a party thinks there is a “complex” case. This creates regulatory uncertainty.

Lastly, during the second scheduling conference, several parties asserted either counsel or at least one witness would not be available in June or July. The unavailability ranged from a specific week to the entirety of one of the previously stated months. Given these scheduling conflicts, it appears a May hearing date, as discussed at the first scheduling conference, would accommodate the schedules of counsel and witnesses for all the parties.

I respectfully dissent from the majority’s decision to schedule the hearing to commence on July 9, 2024, and would set the procedural schedule that has been filed by IPL consistently throughout this matter.

UTILITIES BOARD

Joshua Byrnes Date: 2024.01.24
10:44:51 -06'00'

Joshua Byrnes, Board Member

ATTEST:

Sadi Reimann Digitally signed by Sadi Reimann
Date: 2024.01.24 14:22:50 -06'00'

Dated at Des Moines, Iowa, this 24th day of January, 2024.

RPU-2023-0002 Procedural Schedule	
Procedural Activity	Dates
Intervention Deadline	2/12/2024
Technical Conference	2/21/2024
OCA/Intervenor Direct Testimony Due	4/16/2024
OCA/Intervenor Cross-Rebuttal Testimony Due	4/30/2024
IPL Rebuttal Testimony Due	5/14/2024
OCA/Intervenor Surrebuttal Testimony Due	5/28/2024
Joint Statement of Issues/Witness Lists	6/18/2024
Settlement Deadline for July 9, 2024 Hearing Date	6/18/2024
Hearing	7/9-7/12/2024