

IOWA UTILITIES BOARD

<p>IN RE:</p> <p>EXECUTIVE ORDER 10 — REVIEW OF RULEMAKING RULES [199 IOWA ADMINISTRATIVE CODE CHAPTER 3]</p>	<p>DOCKET NO. RMU-2023-0003</p>
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ORDER ADOPTING AMENDMENT

On January 17, 2024, the Utilities Board (Board) issued an order commencing rulemaking with an attached Notice of Intended Action (NOIA) in which the Board proposed to rescind chapter 3 and adopt a new chapter in lieu thereof. On February 7, 2024, the NOIA was published in the Iowa Administrative Bulletin as ARC 7577C.

On February 27, 2024, the Board held the first oral presentation, which was attended by the Office of the Consumer Advocate (OCA), a division of the Iowa Department of Justice, and Interstate Power and Light Company. On March 5, 2024, the Board held the second oral presentation, which was attended by OCA, MidAmerican Energy Company, and Black Hills/Iowa Gas Utility Company, LLC d/b/a Black Hills Energy. Additionally, OCA filed written comments. All oral and written comments received were supportive of the proposed rulemaking action set forth in the NOIA.

The Board will adopt the rulemaking action as published within the NOIA without change, as shown in the Adopted and Filed attached to this order as Attachment A and incorporated by reference. The Adopted and Filed will be published in the IAB and will be the official version of the chapter 3 rulemaking action.

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IT IS THEREFORE ORDERED:

The Adopted and Filed attached to this order as Attachment A 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 Adopted and Filed.

UTILITIES BOARD

Erik M. Helland 2024.03.13
11:30:23 -05'00'

Joshua Byrnes Date: 2024.03.13
10:38:18 -05'00'

ATTEST:

Jackie Yearington Date: 2024.03.13
13:51:04 -05'00'

Sarah Martz Date: 2024.03.13
10:58:19 -05'00'

Dated at Des Moines, Iowa, this 13th day of March, 2024.

UTILITIES DIVISION [199]

DRAFT Adopted and Filed

The following rule-making action is proposed:

ITEM 1. Rescind 199—Chapter 3 and adopt the following **new** chapter in lieu thereof:

CHAPTER 3
RULEMAKING

199—3.1(17A,474,476) Purpose and scope.

3.1(1) Scope. These rules govern the practice and procedure in all rulemaking proceedings of the board.

3.1(2) Rules of construction. If any provision of a rule or the application of a rule to any person or circumstance is itself or through its enabling statute held invalid, the invalidity does not affect other provisions or applications of the rule that can be given effect without the invalid provision or application, and to this end the provisions of the rule are severable.

199—3.2(17A,474,476) Initial stakeholder input. In addition to seeking information by other methods, the board may solicit comments from the public on the subject matter of possible rulemaking by issuing an order through its electronic filing system or by causing notice of the subject matter to be published in the Iowa Administrative Bulletin, indicating where, when, and how persons may comment.

199—3.3(17A,474,476) Petition for adoption of rules.

3.3(1) Petitions. Any interested person may petition the board for the adoption, amendment, or repeal of a rule pursuant to Iowa Code section 17A.7.

3.3(2) Stakeholder comments. Other interested persons may file written comments containing data, views, or arguments concerning the petition within 20 days of the filing of the petition. Reply comments may be filed within 27 days of the filing of the petition. The board may allow additional time for filing comments and reply comments at its discretion.

199—3.4(17A,474,476) Commencement of proceedings. Rulemaking proceedings are commenced upon written order of the board.

199—3.5(17A,474,476) Rulemaking oral presentation.

3.5(1) Requests. If an oral presentation is not scheduled by the board, any interested person may file a request for an oral presentation.

3.5(2) Written appearance. Any interested person may participate in rulemaking oral presentations in person or by counsel.

3.5(3) Oral presentations. Participants in rulemaking oral presentations may submit exhibits and present oral statements of position, which may include data, views, comments, or arguments

ATTACHMENT A

concerning the proposed adoption, amendment, or repeal of the rule. Oral statements are not made under oath and are not subject to cross-examination.

3.5(4) *Comments and limitations.* The board may, in its discretion, permit reply comments and request the filing of written comments subsequent to the adjournment of the oral presentation. The board may limit the time of any oral presentation and the length of any written presentation.

199—3.6(17A,474) Review of rules. To facilitate the five-year review provisions of Iowa Code section 17A.7(1), the board will review a portion of its chapters each fiscal year over each five-year period under the following schedule:

3.6(1) In fiscal year 2018 and every fifth year thereafter, the board will review Chapters 1 through 9 of its rules.

3.6(2) In fiscal year 2019 and every fifth year thereafter, the board will review Chapters 10 through 18 of its rules.

3.6(3) In fiscal year 2020 and every fifth year thereafter, the board will review Chapters 19 through 27 of its rules.

3.6(4) In fiscal year 2021 and every fifth year thereafter, the board will review Chapters 28 through 36 of its rules.

3.6(5) In fiscal year 2022 and every fifth year thereafter, the board will review Chapters 37 through 45 of its rules.

3.6(6) If the board adopts additional chapters in its rules, such chapters will be reviewed every fifth fiscal year from the fiscal year in which they are made effective.

These rules are intended to implement Iowa Code sections 17A.4 through 17A.7, 474.5, and 476.2.