

IOWA UTILITIES BOARD

IN RE: EXECUTIVE ORDER 10 — REVIEW OF ANNUAL REPORT RULES [199 IOWA ADMINISTRATIVE CODE CHAPTER 23]	DOCKET NO. RMU-2023-0023
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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 23 and adopt a new chapter in lieu thereof. On February 7, 2024, the NOIA was published in the Iowa Administrative Bulletin as ARC 7579C.

The Board held the first oral presentation on February 27, 2024, and the second oral presentation on March 5, 2024. The Office of the Consumer Advocate (OCA), a division of the Iowa Department of Justice; Interstate Power and Light Company; MidAmerican Energy Company; and Black Hills/Iowa Gas Utility Company, LLC d/b/a Black Hills Energy, attended at least one of the oral presentations. OCA also filed written comments.

All oral and written comments were supportive of the NOIA version of chapter 23 with one exception. OCA requests the word “shall” be reinserted in subrule 23.2(2) as follows:

23.2(2) Additional requirements for rate-regulated utilities. A rate-regulated utility ~~is to~~ shall include information concerning its Iowa operations in its report as requested on the forms and file as part of its annual report the following:

No stakeholder opposed OCA’s proposed change. Further, as detailed in the chapter 23 Red Tape Review Rule Report, attached to the Board’s September 1, 2023

DOCKET NO. RMU-2023-0023

PAGE 2

order as Attachment A, the revised version of chapter 23 contains 57 fewer words and 19 fewer restrictive terms than the current version. Consequently, the adopted version of chapter 23 will contain fewer restrictive terms even with the reinsertion of the one restrictive term requested by OCA. The Board will make the change requested by OCA.

The Board will adopt the rulemaking action as published within the NOIA with the change to subrule 23.2(2) discussed above and 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 23 rulemaking action.

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
16:16:31 -05'00'

Joshua Byrnes Date: 2024.03.14
12:43:20 -05'00'

ATTEST:

Keetah A Horras Date: 2024.03.14
14:43:15 -05'00'

Sarah Martz Date: 2024.03.13
12:02:17 -05'00'

Dated at Des Moines, Iowa, this 14th day of March, 2024.

UTILITIES DIVISION [199]

DRAFT Adopted and Filed

The following rule-making action is proposed:

ITEM 1. Rescind 199—Chapter 23 and adopt the following **new** chapter in lieu thereof:

CHAPTER 23
ANNUAL REPORT

199—23.1(476) General information.

23.1(1) Every public utility shall keep and render its books, accounts, papers, and records accurately and faithfully in the manner and form prescribed by the board and comply with all directions of the board relating to such books, accounts, papers, and records.

23.1(2) Each public utility subject to Iowa Code chapter 476 shall file an annual report with this board on or before April 1 of each year covering operations during the immediately preceding calendar year. This information will be used for a number of purposes, including to apportion the costs of the utilities board pursuant to Iowa Code section 476.10 and to determine whether rate-regulated utilities' earnings are excessive pursuant to Iowa Code section 476.32.

23.1(3) The forms that are to be completed by each utility will be made publicly available on the board's website or by other means readily accessible. The board may direct the utilities to file the completed forms through a portal on the board's website or the board's electronic filing system.

199—23.2(476) Annual report requirements.

23.2(1) Forms. The following annual report forms shall be filed by the following utilities:

- a. Investor-owned, rate-regulated electric utilities file Form IE-1 with a copy of that utility's Federal Energy Regulatory Commission (FERC) Annual Report Form No. 1 or 1A as applicable.
- b. Investor-owned, non-rate-regulated electric utilities file Form EC-1.
- c. Investor-owned gas utilities file Form IG-1 with a copy of that utility's FERC Annual Report Form No. 2 or 2A as applicable.
- d. Regulated water utilities file Form WA-1.
- e. Cooperative electric utilities file Form EC-1.
- f. Municipally owned electric utilities file Form ME-1.
- g. Municipally owned gas utilities file Form MG-1.
- h. Providers of telecommunications service file Form TC-1.
- i. Competitive natural gas providers and aggregators file Form CNGP-1.
- j. Generation and transmission cooperatives file Form EC-1N.
- k. Storm water drainage and sanitary sewage utilities file Form SW-1.

23.2(2) Additional requirements for rate-regulated utilities. A rate-regulated utility shall include information concerning its Iowa operations in its report as requested on the forms and file as part of its annual report the following:

- a. A list (by title, author and date) of any financial, statistical, technical or operational reviews or reports that a company may prepare for distribution to stockholders, bondholders, utility organizations or associations or other interested parties.

ATTACHMENT A

b. A list (by form number and title) of all financial, statistical, technical and operational review-related documents filed with an agency of the federal government.

These rules are intended to implement Iowa Code sections 476.2, 476.9, 476.10, 476.22, 476.31, and 546.7.