

IOWA UTILITIES BOARD

<p>IN RE:</p> <p>EXECUTIVE ORDER 10 – REVIEW OF ASSESSMENTS RULES [199 IOWA ADMINISTRATIVE CODE CHAPTER 17]</p>	<p>DOCKET NO. RMU-2023-0017</p>
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ORDER APPROVING REGULATORY ANALYSIS

INTRODUCTION

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 17, the technical conference was held on October 31, 2023, and was attended by the Office of the Consumer Advocate (OCA), a division of the Iowa Department of Justice; Black Hills/Iowa Gas Utility Company, LLC d/b/a Black Hills Energy (Black

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Hills); MidAmerican Energy Company (MidAmerican); Interstate Power and Light Company (IPL); and ITC Midwest, LLC. The Board also received written comments from OCA, Black Hills, and MidAmerican. OCA and MidAmerican requested changes to the proposed version of chapter 17 to be re-promulgated, which will be discussed below, and Black Hills does not oppose the proposed version of chapter 17.

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.

PROPOSED CHANGES TO CHAPTER 17

With respect to the text of the chapter 17 to be re-promulgated, the Board has considered the oral and written comments received and, as a result, is proposing a number of changes from the draft Regulatory Analysis version, several of which are outlined in the following discussion.

A. Rule 17.1.

Rule 17.1 provides that the purpose of chapter 17 is to describe the method for assessing expenses. OCA recommends “and the consumer advocate” be inserted so that rule 17.1 reads as follows:

The purpose of this chapter is to describe the method the board uses to assess expenses incurred by the board and the consumer advocate on utilities and other parties pursuant to Iowa Code sections 476.10 and 476.95B and chapter 477C.

MidAmerican supports this proposed change.

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The Board had not included the consumer advocate reference in rule 17.1 because, according to Iowa Code § 475A.6, the consumer advocate possesses the authority to “determine the advocate’s expenses, including a reasonable allocation of general office expenses,” which the advocate then certifies to the Board. The Board questions whether the consumer advocate is required to compute its own expenses in the same manner as the Board chose to do under chapter 17. However, because OCA requests the amendment, the Board will make the change.

B. Rule 17.2.

OCA requests a number of amendments to rule 17.2, each of which will be discussed in turn.

First, OCA recommends “expenses of the board,” which is defined to mean “expenses of the entire agency,” be struck as unnecessary. MidAmerican supports OCA’s request. The Board did not create the definition anew; rather, the definition is a modification of existing subrule 17.2(6), which provides: “[a]s used in this chapter, a reference to expenses of the board includes expenses of the entire utilities division.”¹ The purpose of the sentence is to clarify to the public that the assessed expenses include all agency expenses, which is not clearly articulated in the governing statute. Consequently, the Board will leave the definition in the noticed version for further stakeholder consideration.

¹ Prior to the 2023 legislative changes, Iowa Code § 476.10(1)(b) provided that the “board shall ascertain the total of the division’s expenses incurred during each fiscal year in the performance of its duties under law.” Following the 2023 legislative changes, Iowa Code § 476.10(1)(b) provides that the “board shall ascertain the total of the board’s expenses incurred during each fiscal year in the performance of its duties under law.”

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Next, OCA recommends the definition of “individual” be deleted, and MidAmerican supports OCA’s recommendation. Under both existing chapter 17 and the proposed version of chapter 17 to be re-promulgated, “individual” is defined to mean “a human being as distinguished from legal entities,” and “person” is defined to mean “individuals and legal entities,” excluding the consumer advocate. Because “individual” and “person” have separate meanings and uses in chapter 17, the Board will leave the definition of “individual” in the noticed version for further discussion.

Finally, OCA objects to proposed subrule 17.2(2). In pertinent part, subrule 17.2(2) provides that “providers of telecommunications service *that register* with the Board pursuant to Iowa Code section 476.95A” are to be assessed a one-half rate for certain assessments. (emphasis added). The authority for this provision is found in Iowa Code § 476.10(1)(b), which provides in relevant part: “providers of telecommunications service *required to register* with the board pursuant to section 476.95A” are to be assessed a one-half rate for certain assessments. (emphasis added). According to OCA, “not all providers required to register actually do register,” and, consequently, OCA appears to suggest that those providers that fail to comply with Iowa Code by registering as required under § 476.95A should, nevertheless, be entitled to the one-half assessment rate that is provided to telecom providers that do register.

Pursuant to Iowa Code § 476.95A(1), a “provider of telecommunications service . . . offering telephone numbers to retail customers in this state shall register annually with the board.” Subsection 476.95A(5) provides that failure to file and maintain an annual registration by an entity required to do so constitutes a violation of chapter 476 and may serve as grounds for the imposition of civil penalties under § 476.51.

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Naturally, should any stakeholder have information that a specific telecom entity required to register under § 476.95A has failed to do so, the Board would request that such information be shared with the Board. However, for purposes of this rulemaking, the Board will not make the change as requested by OCA, at least for purposes of the noticed rule.² If stakeholders believe that a telecom provider that fails to register when required to do so under § 476.95A should be included within the list of entities entitled to a one-half rate for certain assessments, the Board will entertain those discussions as this rulemaking proceeds.

C. Restrictive Language.

Lastly, OCA opposes the Board's proposed omission of a number of restrictive terms in the proposed new version of chapter 17. OCA contends that "[p]rescriptive requirements are most clearly and effectively stated using the word 'shall' or 'must' " and states that the removal of such words creates unclarity without providing clear benefit. While expressing a general opposition to the removal of such language, OCA specifically discusses the removal of "shall" in the first sentence of proposed subrule 17.6(1) and in two subrules in rule 17.8.

Proposed subrule 17.6(1) describes the method in which the Board computes a bill; namely, adding the Consumer Advocate's certified expenses to the Board's own determined expenses. OCA correctly observes that the authority authorizing this Board function is found in Iowa Code § 476.10(1)(b), which directs the Board to take this

² An even more fundamental issue with OCA's comments is that an entity that fails to file an annual report under § 476.95A would have zero reported income. The remainder assessment is calculated by multiplying a remainder assessment factor by the income an entity reports on its annual report form. If an entity fails to file an annual report, no reportable income is attributed to that entity and its remainder assessment would be calculated as zero.

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action through the use of the word “shall.” Because the statute already requires this Board action and because the purpose of subrule 17.6(1) is to simply describe this Board function, the use of the word “shall” in subrule 17.6(1) is unnecessary.

With respect to rule 17.8, OCA requests that “shall” be reinserted as shown in the following:

17.8(1) Iowa Code section 477C.7 governs the payment of assessments by wireless carriers and wireline local exchange carriers to fund the dual party relay service program and equipment distribution program. Those carriers shall pay assessments in the amount of three cents per month for each telecommunications service phone number. “Telecommunications service phone number” means a revenue-producing telephone number.

17.8(2) Wireless carriers and wireline local exchange carriers ~~are to~~ shall file the number of telecommunications service phone numbers with the board. The number of telecommunications service phone numbers may be filed as confidential and may be withheld from public inspection pursuant to the procedures in 199—Chapter 1.

No stakeholder opposed OCA’s proposed changes. Further, as detailed in the chapter 17 Red Tape Review Rule Report, attached to the Board’s September 6, 2023 order as Attachment A, the proposed new version of chapter 17 contains 376 fewer words and 25 fewer restrictive terms than the current version. Consequently, the proposed noticed version chapter 17 will contain fewer restrictive terms even with the reinsertion of the restrictive terms requested by OCA. The Board will make the changes requested by OCA in subrules 17.8(1) and (2).

All the proposed changes to the version of chapter 17 included with the draft Regulatory Analysis are reflected in the version of the Regulatory Analysis attached to this Order as “Attachment A.” The Board will seek authority to commence a formal rulemaking in the above-captioned docket by submitting the Request to Initiate

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Rulemaking, attached to this Order as Attachment B, as required by the Red Tape Review Process.

ORDERING CLAUSE

IT IS THEREFORE ORDERED:

The final Regulatory Analysis for 199 Iowa Administrative Code chapter 17, attached to this Order as Attachment A, is approved.

UTILITIES BOARD

Erik M. Helland 2024.03.28
08:48:20 -05'00'

Joshua Byrnes Date: 2024.03.28
11:01:13 -05'00'

ATTEST:

Sadi Reimann Digitally signed by Sadi Reimann
Date: 2024.03.28 14:40:14 -05'00'

Sarah Martz Date: 2024.03.28
11:21:11 -05'00'

Dated at Des Moines, Iowa, this 28th day of March, 2024.

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TEXT BOXES WILL EXPAND AS YOU TYPE

Agency Name Iowa Utilities Board Rule # 199 IAC chapter 17

Iowa Code Section Authorizing Rule Iowa Code chapters 474.5, 476.2, and 476.10

State or Federal Law(s) Implemented by the Rule Iowa Code chapter 476.10, 476.95B, 477C

Public Hearing

A public hearing at which persons may present their views orally or in writing was held as follows:

Date/Time: October 31, 2023 at 9 a.m.

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

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:

Proposed Chapter 17 describes the procedures used by the IUB to assess expenses incurred by the agency on utilities and other parties pursuant to the requirements contained in Iowa Code sections 476.10 and 476.95B and chapter 477C. Proposed Chapter 17 provides needed and useful information to stakeholders and the public in general regarding the IUB’s assessment process and assessment objection procedures.

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:

The Iowa Code, including chapters 476, 477C, 478, 479, and 479A, permits, and in some cases requires, the IUB to assess utilities, other persons participating in IUB proceedings, and other entities. While the assessments will be paid by utilities, persons participating in IUB

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proceedings, and other specified entities, the agency believes those costs are more directly attributed to the statutory assessment provisions, as opposed to proposed Chapter 17.

- Classes of persons that will benefit from the proposed rule:

Persons who may receive an IUB-issued assessment, including utilities, persons participating in IUB proceedings, and the general public, will benefit from the information contained in proposed Chapter 17.

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:

These proposed rules are intended to assist the public, including those utilities, entities, and persons who may receive an IUB-issued assessment, by describing and detailing the different types of assessments, how such assessments are calculated, and the assessment objection and refund procedures. While utilities and other entities and persons who are assessed are required to pay the costs of the assessment, the IUB believes those costs are more directly attributed to the statutory assessment provisions, as opposed to proposed Chapter 17. With respect to the assessment objection and refund procedures contained in proposed Chapter 17, the agency sought to create processes that will minimize the time and expense to persons who wish to object to an assessment or who seek a refund.

- Qualitative description of impact:

Proposed Chapter 17 provides information to entities who receive an assessment, and the public at large, regarding the IUB’s assessment methodology and objection and refund procedures. This chapter ensures that the public, including rate-payers, understands the types of IUB assessments and how such assessments are calculated. Additionally, for those entities and persons who are assessed, proposed Chapter 17 also provides information regarding the IUB’s assessment objection and refund procedures.

3. Costs to the state

- Implementation and enforcement costs borne by the agency or any other agency:

Because proposed Chapter 17 merely provides the framework for IUB assessments and assessment objections and refunds, the proposed rules are not viewed as directly causing costs to the agency; rather, the agency costs associated with IUB assessments are more directly caused by the nature of the assessments, which are authorized or required by different statutory provisions.

- Anticipated effect on state revenues:

In order to carry out the duties imposed upon the IUB by law, Iowa Code section 476.10(1)“a” permits the IUB to assess its incurred costs and the Office of Consumer Advocate’s (OCA’s) certified costs to the person bringing a proceeding before the IUB, to persons participating in matters before the IUB, and to persons subject to inspection by the

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IUB. Additionally, Iowa Code section 476.10(1)“b” permits the IUB to assess its and the OCA’s remaining expenses to different types of utilities and to other persons providing services over which the IUB has jurisdiction. Additionally, Iowa Code section 476.95B and other statutory provisions (e.g., Iowa Code chapters 479 and 479A) require the IUB to make certain other assessments. These assessments necessarily have an effect on state revenues; however, the agency believes the underlying statutes (as opposed to proposed Chapter 17) are the more direct cause of the assessments, and pursuant to Iowa Code section 476.10, those funds are required to be used for IUB and OCA expenses.

Further, Iowa Code section 477C.7 requires the IUB to impose assessments on wireless carriers and wireline local exchange carriers and to use the collected funds to plan, establish, administer, and promote the dual party relay service and the telecommunications equipment distribution program set forth in Iowa Code chapter 477C.

4. Comparison of the costs and benefits of the proposed rule to the costs and benefits of inaction

Because the Legislature statutorily created the assessment process as the mechanism to cover IUB and OCA expenses, the agency does not believe that proposed Chapter 17 directly causes those assessment costs. Further, because proposed Chapter 17 provides useful and necessary information for the public regarding the types of IUB assessments, the assessment calculation methodology, and the objection and refund procedures, the agency believes that the benefits of publishing said information in Chapter 17 far outweigh whatever benefits may exist through rescission of the chapter.

5. Determination if less costly methods or less intrusive methods exist for achieving the purpose of the proposed rule

Because proposed Chapter 17 is intended to simply convey information to entities and persons who have received an IUB assessment, and to the public in general, the IUB believes that the publication of the information regarding the types of IUB assessments, the assessment calculation methodology, and the objection and refund procedures in Chapter 17 is beneficial and that there is a need for the chapter.

6. Alternative methods considered by the agency

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

The IUB considered rescinding Chapter 17.

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

The IUB did not consider rescinding Chapter 17 to be appropriate because there is value associated with providing the public with information regarding the types of IUB

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assessments, the assessment calculation methodology, and the objection and refund procedures.

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 that proposed Chapter 17 has an adverse impact on small business.

Text of Proposed Rule:

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ITEM 1. Rescind 199—Chapter 17 and adopt the following new chapter in lieu thereof:

CHAPTER 17 ASSESSMENTS

199—17.1(475A,476,546) Purpose. The purpose of this chapter is to describe the method the board uses to assess expenses incurred by the board and the consumer advocate on utilities and other parties pursuant to Iowa Code sections 476.10 and 476.95B and chapter 477C.

199—17.2(475A,476) Definitions.

17.2(1) The following definitions apply to the rules in this chapter:

“Direct assessment” means the charge to a person bringing a proceeding or matter before the board or to persons participating in proceedings or matters before the board and includes expenses incurred by the board attributable to the board’s duties related to such proceeding or matter.

“Expenses of the board” includes expenses of the entire agency.

“Gross operating revenues from intrastate operations” includes all revenues from Iowa intrastate utility operations during the last calendar year, except:

1. Uncollectible revenues,
2. Amounts included in the accounts for interdepartmental sales and rents, and
3. Gross receipts received by a cooperative corporation or association for wholesale transactions with members of the cooperative corporation or association, provided that the members are subject to assessment by the board based upon the members’ gross operating revenues, or provided that such member is an association whose members are subject to assessment by the board based upon the members’ gross operating revenues.

“Individual” means a human being as distinguished from legal entities.

“Industry direct assessment” means the charge to the utilities in a specific industry for expenses associated with regulation of that specific industry that are not directly assessed. An industry direct assessment includes a direct assessment in a specific industry for which no person is directly assessed under rule 199—17.4(476). The industries assessed are as follows:

1. Electric utilities are assessed for expenses associated with electric service, including expenses associated with the board’s participation in or consideration of regional and federal issues.
2. Natural gas utilities are assessed for expenses associated with natural gas service, including expenses associated with the board’s participation in or consideration of regional and federal issues.
3. Water utilities are assessed for expenses associated with water service, including expenses associated with the board’s participation in or consideration of regional and federal issues.
4. Sanitary sewer utilities are assessed for expenses associated with sanitary sewer services.
5. Storm water drainage utilities are assessed for expenses associated with storm water drainage services.
6. Telecommunications companies, including all companies providing local exchange service and interexchange service in Iowa whether by landline or voice over Internet protocol, are assessed for expenses associated with telecommunications service, including expenses associated with the board’s participation in or consideration of regional and federal issues.

“Overhead expenses” means all operating costs of the board not directly attributable to a proceeding or matter, or a specific industry, that are included in direct and industry direct assessments.

“Person” includes individuals and legal entities as defined in Iowa Code section 4.1(20), except the definition does not include the consumer advocate.

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“Remainder assessment” means the charge to all persons providing service over which the board has jurisdiction for the total expenses incurred during each fiscal year in the performance of the board’s duties under law after deducting the direct assessments, industry direct assessments, and other revenues.

17.2(2) Industry direct assessments and remainder assessments for gas and electric utilities exempted from rate regulation by the board and for providers of telecommunications service that register with the board pursuant to Iowa Code section 476.95A that are exempted from rate regulation under Iowa Code chapter 476 are computed at one-half of the rate used in computing industry direct assessments and remainder assessments for other persons.

199—17.3(476) Expenses to be included in direct assessments. Direct assessments include the following expenses:

17.3(1) Salaries of board employees and related costs borne by the state.

17.3(2) Travel expenses incurred in an investigation or in rendering services by the board or by others employed by the board. Travel expenses include costs of transportation, lodging, meals, and other normal expenses attributable to traveling.

17.3(3) Costs of consultants, contractors, facilities, and equipment if directly related to a proceeding or matter.

17.3(4) Overhead expenses of the board.

199—17.4(476) Direct assessments under Iowa Code section 476.10.

17.4(1) The following persons will not be directly assessed for participating in a board proceeding or matter unless the board issues an order finding that the person may be directly assessed for that participation:

- a. An individual who files a complaint against a public utility, so long as the individual’s participation in the proceeding is in good faith.
- b. An individual who files a protest or inquiry or intervenes in a proceeding involving a rate change by a public utility, so long as the individual’s participation in the proceeding is in good faith.
- c. Any person filing written or oral comments in a rulemaking proceeding.
- d. An intervenor in a board proceeding. However, the board may decide to directly assess a person who intervenes if the board determines that the person’s intervention or participation is not in good faith, the board determines the intervention significantly expands the scope of the proceeding without contribution to the public interest, or the board determines there are unusual circumstances warranting assessment.

17.4(2) In deciding whether to directly assess a person and, if so, the amount to be directly assessed, the board may consider the factors contained in Iowa Code section 476.10 and other factors deemed appropriate by the board in that particular case.

199—17.5(476) Reporting of operating revenues. On or before April 1 of each year, every public utility shall file with the board a report that includes the utility’s gross operating revenues from Iowa intrastate operations during the preceding calendar year. Such revenues are to be reported on the accrual basis or the cash basis consistent with the report filed with the board.

199—17.6(475A,476) Compilation and billing of assessment.

17.6(1) The board determines its own expenses to be billed and adds the certified expenses incurred by the consumer advocate. The board does not review the expenses certified to it by the consumer advocate.

17.6(2) Unless otherwise ordered by the board, bills must be paid within 30 days of receipt unless an objection is filed in writing pursuant to Iowa Code section 476.10. In the event an objection is filed

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under rule 199—17.9(475A,476), the portion of the bill not contested is to be paid within 30 days of receipt.

17.6(3) A person participating in a board proceeding or matter may file a request in that proceeding or matter for the board to determine how the expenses of that proceeding or matter will be assessed.

199—17.7(476) Assessments under Iowa Code section 476.95B. In making assessments under Iowa Code section 476.95B, the board will allocate costs and expenses to all parties and participants, but such allocation will not necessarily be an equal allocation. The allocation will be made on a case-by-case basis and may be based on Iowa revenues, grouping of parties and participants on the basis of similarity of positions, and other factors deemed appropriate by the board in that particular case. The allocation will be included in the board's final order in the docket, unless otherwise ordered by the board.

199—17.8(477C) Assessments of expenses for dual party relay service program and equipment distribution program.

17.8(1) Iowa Code section 477C.7 governs the payment of assessments by wireless carriers and wireline local exchange carriers to fund the dual party relay service program and equipment distribution program. Those carriers shall pay assessments in the amount of three cents per month for each telecommunications service phone number. "Telecommunications service phone number" means a revenue-producing telephone number.

17.8(2) Wireless carriers and wireline local exchange carriers shall file the number of telecommunications service phone numbers with the board. The number of telecommunications service phone numbers may be filed as confidential and may be withheld from public inspection pursuant to the procedures in 199—Chapter 1.

17.8(3) The board may audit the payment of Iowa Code section 477C.7 assessments for any purpose the board deems necessary, including, but not limited to, examining whether wireless carriers and wireline local exchange carriers providing telecommunications services in Iowa are paying assessments in appropriate amounts.

199—17.9(475A,476) Objection procedures.

17.9(1) A person subject to an assessment shall either pay the amount assessed or file an objection to the assessment as set forth in this rule within 30 days of the date the board provides notice of the amount due to the person.

17.9(2) A properly filed objection is in writing; sets forth the specific grounds upon which the person claims the assessment is excessive, unreasonable, erroneous, unlawful, or invalid; and identifies whether the person objects to the assessment of expenses certified by the board, to the assessment of expenses certified by the consumer advocate, or both. If the person wishes to orally present argument to the board, the request for oral argument should be included in the objection. Absent a request for oral argument, the board will consider the objection based solely on the submission of written evidence and argument. The person may include with the objection such evidence or information the person believes relevant to support the person's claim.

17.9(3) The consumer advocate or the board may informally resolve an objection. In the event an objection is informally resolved, the fact that a resolution has occurred will be filed in the docket.

17.9(4) If the objection concerns the assessment of expenses certified by the consumer advocate, within 30 days from the date of the objection, the consumer advocate may file responsive argument, evidence, and other information with the board. In the event the person filing an objection has not requested oral argument, the consumer advocate may request oral argument.

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17.9(5) If oral argument is requested or if the objecting person or the consumer advocate requests additional opportunity to submit written argument and evidence, the board will issue a scheduling order. At the time and place for oral argument, the objecting person and the consumer advocate, if applicable, will be afforded the opportunity to present argument to the board.

17.9(6) Following the final submission of written material or oral argument, the board will issue an order in accordance with its findings. In the event the board affirms the assessment, in whole or in part, the person shall pay the amount identified in the board's order within 30 days from the date of the order unless otherwise ordered by the board.

17.9(7) The objection procedures set forth in this rule do not apply to challenges to a direct assessment made in a final board order, including those issued under subrule 17.6(3). The judicial review procedures in Iowa Code chapter 17 and the rehearing provisions in Iowa Code section 476.12 are the exclusive methods for challenging a direct assessment determination made in a final board order.

17.9(8) Board expenses incurred in an objection proceeding will be included in industry direct assessments.

199—17.10(476,477C) Refunds. If a person makes a payment in excess of the assessed amount, the board may issue a refund to the person for the excess amount or credit the excess amount toward the person's next assessment. For overpayments of less than \$50, absent exigent circumstances, the board will not issue a refund and will hold the excess amount as a credit toward the person's next assessment through the fiscal year in which the overpayment occurred. If a credit remains at the end of the fiscal year in which the overpayment occurred, the board will issue a refund for any excess amount remaining. These rules are intended to implement Iowa Code chapters 17A, 475A, 476, 478, 479, 479A, 479B, and 546.

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 3

Agency Point of Contact (POC) Maison Bleam

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 10/31/2023

ARC Preclearance

Date ____ / ____ / ____