

IOWA UTILITIES BOARD

IN RE:

EXECUTIVE ORDER 10 —
COMPETITIVE BIDDING PROCESS
RULES [199 IOWA ADMINISTRATIVE
CODE CHAPTER 40]

DOCKET NO. RMU-2023-0040

ORDER COMMENCING RULEMAKING

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. Pursuant to the Executive Order, the Board is conducting comprehensive reviews of each chapter of its administrative rules.

According to the Executive Order rulemaking process, an agency may not commence a formal rulemaking without first approving a final Regulatory Analysis and receiving preclearance through a Request to Initiate Rulemaking. See <https://dom.iowa.gov/red-tape-review> (last accessed on March 7, 2024) (setting forth the Executive Order 10 Rulemaking Process). In an order previously issued in the above-captioned docket, the Board approved a final Regulatory Analysis for chapter 40 and indicated it was submitting a Request to Initiate Rulemaking. Since issuance of that order, the Board has received preclearance to commence chapter 40 rulemaking. The Board is proposing to rescind chapter 40 in its entirety. The Notice of Intended Action (NOIA) is attached to this order as Attachment A and is incorporated into this order by reference. The official version of the NOIA will be published in the Iowa Administrative

Bulletin (IAB) and may contain additional nonsubstantive editorial changes. The NOIA will be submitted to the Administrative Rules Code Editor and published in the IAB. The date for filing written comments will be in the NOIA published in the IAB. Additionally, per the Executive Order, the Board will hold two public hearings, the dates for which will be contained in the NOIA published in the IAB.

IT IS THEREFORE ORDERED:

1. The Notice of Intended Action attached to this order will be submitted to the Administrative Rules Code Editor for review and publication in the Iowa Administrative Bulletin and may contain editorial changes that are not shown in the attached Notice of Intended Action.

2. The Notice of Intended Action published in the Iowa Administrative Bulletin will identify the public hearing dates and the comment deadline.

UTILITIES BOARD

Erik M. Helland 2024.04.24
10:05:04 -05'00'

Joshua Byrnes Date: 2024.04.24
10:36:55 -05'00'

ATTEST:

Keetah A Horras Date: 2024.04.25
08:17:49 -05'00'

Sarah Martz Date: 2024.04.25
07:46:33 -05'00'

Dated at Des Moines, Iowa, this 25th day of April, 2024.

ATTACHMENT A

UTILITIES DIVISION [199]

DRAFT Notice of Intended Action

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve 199—Chapter 40.