

IOWA UTILITIES BOARD

<p>IN RE:</p> <p>EXECUTIVE ORDER 10 — REVIEW OF ELECTRONIC FILING RULES [199 IOWA ADMINISTRATIVE CODE CHAPTER 14]</p>	<p>DOCKET NO. RMU-2023-0014</p>
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ORDER APPROVING REGULATORY ANALYSIS

BACKGROUND

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. On August 17, 2023, the Board issued an order that, in part, opened the above-captioned docket, published the completed chapter 14 Red Tape Review Rule Report (as Attachment A to the order), published the draft chapter 14 Regulatory Analysis (as Attachment B to the order), and set a comment deadline and technical conference date. As shown in the Red Tape Review Rule Report, the initial chapter 14 draft proposed to be re-promulgated eliminated 925 words, including 78 restrictive terms. The Board also caused the draft Regulatory Analysis to be published in the September 20, 2023 Iowa Administrative Bulletin.

On October 18, 2023, a public hearing was held to allow interested persons the opportunity to present oral comments concerning the draft chapter 14 Regulatory Analysis and the proposed version of chapter 14 to be re-promulgated. The hearing 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

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Energy (Black Hills); Interstate Power and Light Company (IPL); ITC Midwest LLC (ITC Midwest); and MidAmerican Energy Company (MidAmerican). The Board also received written comments from OCA, MidAmerican, Black Hills, and ITC Midwest.

Pursuant to the Executive Order, before commencing a formal rulemaking, an agency must first approve a final Regulatory Analysis, which includes a copy of the chapter to be re-promulgated, and receive preclearance through a Request to Initiate Rulemaking. While several stakeholders requested changes to the proposed new version of chapter 14, no commenting stakeholder requested changes to the draft Regulatory Analysis. Therefore, the Board will approve the body of the draft Regulatory Analysis, attached to this order as Attachment A, as the final version without change. The Board will also publish the final Regulatory Analysis on its website as the Executive Order requires.

With respect to the text of the chapter 14 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.

PROPOSED CHANGES FROM DRAFT REGULATORY ANALYSIS

A. Rule 14.3.

As ITC Midwest correctly recognized in its written comments, provisions in chapter 14 use the terms “website” and “electronic filing system” (EFS) interchangeably; however, the terms have distinct meanings. The Board is proposing changes in chapter 14, including in rule 14.3, in an effort to ensure the proper term is used.

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B. Rule 14.4.

OCA suggested the rule 14.4 title be shortened to “Exceptions,” and MidAmerican is supportive of this recommendation. The Board agrees and will make this proposed change.

OCA also recommends that the following sentence be reinserted in subrule 14.4(3): “Written objections will ordinarily be published on the board’s website.” MidAmerican agrees with OCA’s suggestion. The purpose of rule 14.4 is to identify those types of filings that are exempted from the electronic filing requirement. Subrule 14.4(3) concerns the submission of written objections in certain types of proceedings (*i.e.*, electric transmission franchise dockets, pipeline permit dockets, and hazardous liquid pipeline permit dockets). Regardless of whether a written objection in one of those dockets is electronically filed or submitted in writing, the objection will be filed in the applicable docket in EFS. The Board will not include the sentence recommended by OCA in subrule 14.4(3) because written objections in those applicable dockets will be filed in EFS (as opposed to “on the board’s website”) and the scope of rule 14.4 is simply to identify those submissions that are not subject to the electronic filing requirement. The sentence suggested by OCA falls outside that scope. However, the Board invites further stakeholder input on the sentence.

C. Rule 14.5.

The Board is proposing several changes to rule 14.5, including amending language in subrules 14.5(7) and (8) at the request of OCA and MidAmerican, and replacing “the board’s website” in subrule 14.5(10) with “EFS.” In subrule 14.5(7), the Board is proposing to add a sentence reflecting that spreadsheets with macros will not be accepted for filing in EFS. In subrule 14.5(11), OCA requested a sentence

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regarding revised filings be reinserted, and the Board included a modified sentence that provides: “Ordinarily, any modification to an EFS filing will require a revised filing in EFS.”

Finally, OCA, ITC Midwest, and MidAmerican request a sentence be reinserted in subrule 14.5(11) regarding EFS filings that contain minor or inconsequential errors. The Board will not reinsert the sentence because the Customer Service bureau may, without inclusion of the sentence, accept an EFS filing that does not contain material or substantive errors, and removal of the sentence does not preclude the Customer Service bureau from working with a filing party to remedy the error as set forth in subrules 14.5(10) and (11).

D. Rule 14.8.

Current rule 14.8 is titled “Paper copies,” and OCA recommends the title be changed to “Maps, plan and profile drawings, and other oversized documents.” Because the title suggested by OCA more accurately describes the rule’s content, the Board will make the change.

The final sentence of current subrule 14.8(1) provides: “However, if the map, drawing, or other document is not electronically filed, then the number of paper copies specified in 199—subrule 7.4(4) or other applicable rule shall be filed.” In the draft Regulatory Analysis, the Board proposed to revise the sentence to: “However, if the map, drawing, or other document is not electronically filed, then the number of paper copies is governed by 199—Chapter 7 or other applicable rules.” In its filed comments, OCA states that the proposed sentence is unclear in terms of which rule or rules would apply and that the proposed sentence should either specify which rule or rules apply or identify the number of copies required.

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The applicable sentence in current subrule 14.8(1) refers to subrule 7.4(4). In its current form, subrule 7.4(4) concerns the number of copies for evidence introduced at hearing and the number of paper copies required to be filed in rate and tariff proceedings. To address OCA's comment, the Board will propose a modified sentence in rule 14.8 that references these two items.

E. Rule 14.9.

Current rule 14.9 provides that documents that are uploaded in EFS prior to 3:30 p.m. Central time on a business day and accepted for filing will be considered filed on that day. Current rule 14.9 further provides that documents filed after 3:30 p.m., if accepted, will be considered filed on the next business day. In the draft Regulatory Analysis, the Board proposed to delete these provisions. OCA states the omitted language is useful and should be retained unless outdated.

The Board is proposing to alter the EFS filing provisions to more closely mirror those in the Iowa Judicial Branch's Electronic Document Management System (EDMS). Under the anticipated changes, an EFS filing may be made whenever EFS is available, including weekends and evenings. If a filing is accepted by Board staff, the filing's date stamp will reflect the date the filing was uploaded in EFS. Because the aforementioned language would no longer be applicable, the Board will not reinsert it.

F. Rule 14.10.

Current rule 14.10 concerns notice of EFS unavailability, which the Board proposes to eliminate. ITC Midwest requests the language remain so "that filers can best prepare for filings and deadlines" OCA expresses support for ITC Midwest's request.

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The Board's website includes an "Information about EFS" page.

<https://iub.iowa.gov/records-documents/information-about-efs> (last accessed on May 3, 2024). Included on that page is a section entitled "Common Questions about EFS."

One of the topics addressed in that section concerns EFS unavailability and provides as follows:

How will users be notified if the EFS system is down?

If the outage is expected to last more than 30 minutes and the IUB website is available, a notice will be posted on the IUB website (iub.iowa.gov) homepage. Scheduled maintenance will also be posted on the IUB website.¹

Id. Thus, information regarding EFS system unavailability is already published on the Board's website. However, the Board appreciates ITC Midwest's concerns and will expand proposed new rule 14.10 to cover EFS system unavailability in addition to technical difficulties.

G. Rule 14.11.

In the draft Regulatory Analysis, the Board proposed to modify one of the rule 14.11 sentences as follows: "~~Each~~ A minimum of the first page of the confidential version of the document shall be marked in a way that identifies it as belonging to the confidential version of the document." Among other concerns expressed, OCA requests the Board leave the current sentence as is, stating that the marking of each page as confidential enables staff working within that document to know at a glance that it requires special treatment. MidAmerican agrees with OCA's request, stating that the marking of each page assists in preventing the accidental disclosure of confidential documents.

¹ The Board is also exploring technology changes that would allow the Board to email notice of EFS unavailability to all EFS users.

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Under the Board's proposed modification, a filer of confidential material that wished to mark every page of the confidential document could certainly do so. However, the Board appreciates OCA's assertion that requiring each page to be marked assists viewers of that confidential document. Therefore, the Board will keep the sentence in its current form.

H. Rule 14.12.

In relevant part, current rule 14.13 provides that all pleadings must contain a signature block that includes certain information. Thus, the reach of this provision is limited to "pleadings," which are filings that initiate a docket and, perhaps, responsive answers. See Iowa Admin. Code r. 199—7.9 (rule governing pleadings and answers); see also Iowa R. Civ. P. 1.401 (defining pleadings, generally, to include petitions and answers). In the draft Regulatory Analysis, the Board proposed to replace "shall" with "should" to reflect that while it may be best practices to include a signature block in a pleading, failure to include all required information in the signature block would not be fatal to the filing, especially given that much of that same signature block information is already available within the EFS pages associated with a particular pleading filing.

OCA opposes the change, contending that the current rule requirements should remain without change as they "mirror the electronic procedure requirements for the Iowa district and appellate courts contained in Iowa Rule of Electronic Procedure 16.305."² MidAmerican agrees, stating that filings "should include" a signature block, and apparently contending the Board's proposed language providing that all "pleadings should also include a signature block" is insufficient.

² While the signature block requirements in current rule 14.13 only apply to "pleadings," the signature block requirements in Iowa Court Rule 16.305(4) apply to "[a]ny filing requiring a signature."

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Based on OCA's and MidAmerican's opposition to the change, the Board will return the signature block language to its current form and will consider any additional comments on this proposed change through the formal rulemaking process.

Finally, noting the proposed omission of current subrule 14.13(3), which concerns documents with handwritten signatures, OCA questions whether the subrule continues to reflect Board requirements. The Board is proposing to remove the subrule 14.13(3) restriction on handwritten signatures and, in support of this proposed rescission, notes that Iowa Court Rule 16.305(3) permits the filing of nonelectronic signatures in filings with the Iowa courts. If requested, the Board would also consider adding language similar to Iowa Court Rule 16.305(6) and (7).

I. Rules 14.13 and 14.14.

Finally, OCA opposes a number of proposed changes to rules 14.13 and 14.14 on the basis that the amended language is unclear. The Board believes the proposed language is sufficiently definite in terms of what is required; however, the Board invites further comments on this point during the formal rulemaking process.

In rule 14.13, OCA opposes the deletion of the following sentence, which concerns the filing of a scanned version of an original document: "The filer must retain the original document for a period of two years or until the conclusion of the proceeding or the conclusion of an appeal, whichever is greater." OCA states the sentence is a necessary precaution in the event a dispute arises regarding the authenticity of the filing. The sentence is similar to Iowa Court Rule 16.411(1)(b), and based on OCA's concern, the Board will reinsert it.

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CONCLUSION

While this order does not describe all proposed changes made to the version of chapter 14 included with the draft Regulatory Analysis, all the proposed changes are reflected in the version included with the Final 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 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 14, attached to this order as Attachment A, is approved.

UTILITIES BOARD

Erik M. Helland 2024.05.10
10:53:23 -05'00'

Joshua Byrnes Date: 2024.05.13
10:03:23 -05'00'

ATTEST:

Keetah A Horras Date: 2024.05.13
11:43:28 -05'00'

Sarah Martz Date: 2024.05.10
12:19:06 -05'00'

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

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TEXT BOXES WILL EXPAND AS YOU TYPE

Agency Name Iowa Utilities Board **Rule #** 199 IAC chapter 14

Iowa Code Section Authorizing Rule Iowa Code sections 17A.4 and 476.2

State or Federal Law(s) Implemented by the Rule Iowa Code sections 17A.4 and 476.2

Public Hearing

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

Date/Time: October 18, 2023 at 2 p.m.

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

Interested persons had the opportunity to submit written comments concerning this regulatory analysis by 4:30 p.m. on the date of the public hearing. Comments could have been 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:

The purpose of this proposed rulemaking is to inform the public of the Board’s requirements, exceptions, and procedures for electronic filing and service of documents.

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:

Filing electronically with the Board does not have any direct costs. There are indirect costs that may be incurred by persons electronically filing with the Board, such as Internet connection and a computer, tablet, phone, or other method of having Internet connection. There are exceptions to the electronic filing requirements, which would have a cost; for example, mailing would require postage in addition to the costs of the supplies to generate the item that is mailed.

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

Iowans, especially pro se Iowans, who wish to request Board action or who wish to participate in Board proceedings will benefit from the rulemaking.

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:

The Board provides a number of chapters to assist the public with Board proceedings (e.g., complaints, procedures, filing). Proposed Chapter 14 is especially helpful to a person when that person is not familiar with Board procedure since the rules provide the information about filing, when electronic filing is not necessary, and how service is completed. The chapter does not impose costs on the public or any agency, including the Board; however, if the public does choose to file, there are indirect costs that go with any form of electronic communication. The public would not incur direct costs to access the public information filed in accordance with Chapter 14. Since this is part of the everyday work of the Board, there is no additional impact to the Board, economic or otherwise.

- Qualitative description of impact:

Proposed Chapter 14 has some level of qualitative impact because it assists Iowans who may wish to appear before the Board or may wish to request Board action. This chapter ensures that persons who choose to participate in Board proceedings are aware of filing expectations and procedures.

3. Costs to the state

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

Because proposed Chapter 14 merely provides information, there are no costs to the public unless the public chooses to file with the Board; in that case, there would be indirect costs to the person, the agency, or any other agency.

- Anticipated effect on state revenues:

There is no anticipated effect on state revenues.

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

Because proposed Chapter 14 imposes no direct costs on the public and no costs on the Board (or any other agency), and because the public benefits from the availability of the information contained within proposed Chapter 14, the benefits of providing the information outweigh the costs. Inaction is not advised because the public would not be aware of what was needed to fully participate in Board proceedings.

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

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Because proposed Chapter 14 imposes no direct costs, the Board does not believe there is a less costly or intrusive method.

6. Alternative methods considered by the agency

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

Inaction was considered by the Board.

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

As stated above, inaction is not advisable because there is value provided in letting the public know the Board's expectations, exceptions, and procedures for filing with the Board.

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 14 has an adverse impact on small business.

Text of Proposed Rule:

ITEM 1. Rescind 199—Chapter 14 and adopt the following new chapter in lieu thereof:

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ELECTRONIC FILING

199—14.1(17A,476) Purpose. The purpose of these rules is to establish an electronic filing requirement, to identify exceptions to the electronic filing requirement, and to specify procedures regarding electronic filing and service of documents filed with or issued by the board.

199—14.2(17A,476) Scope and applicability of electronic filing requirement. Electronic filing is mandatory, unless specifically excepted by these rules or the board. The board will accept filings electronically pursuant to the rules in this chapter and the board's published standards for electronic information, available on the board's website (iub.iowa.gov) or from the board's customer service bureau, or as delineated in the board order or other official statement requiring those filings.

199—14.3(17A,476) Definitions. Except where otherwise specifically defined by law:

“Accepted for filing” ordinarily means a filing will be published in the board's electronic filing system. Certain documents will be accepted for filing without being published in the board's electronic filing system. A filing that has been accepted for filing can be rejected if found not to comply with a board rule or order.

“Electronic filing” means the process of transmitting a document or collection of documents via the Internet to the board's electronic filing system for the purpose of submitting the document for board consideration.

“Electronic filing system” or *“EFS”* means the system used by the board's customer service bureau to accept and publish documents filed electronically and that allows the public and parties to view most documents filed with or issued by the board.

“Guest user” means a person who uses EFS without a user ID and password. Guest users are able to view and file documents via EFS.

“Publish” means to make a document available for public viewing or download by uploading it to EFS.

“Registered user” means a person who has complied with the board's requirements in rule 199—14.6(17A,476) to obtain a user ID and password in order to submit filings for the board's consideration through EFS.

199—14.4(17A,476) Exceptions. The following types of filings are not subject to the electronic filing requirement:

14.4(1) Filings made by any person who has been excused from the requirement by board order granting a request for permission to file paper documents. Upon request, the board may issue an order granting permission to file paper documents and specifying the number of paper copies to be filed.

14.4(2) Informal consumer complaints. Consumers may submit complaints electronically by using the online complaint form available on the board's website or by email; on paper by mail or facsimile; or by personally delivering the written complaint to the board's customer service

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bureau. Informal consumer complaint files are available for public inspection from the board's customer service bureau. An informal complaint file will be made available for public viewing in EFS, to the extent reasonable.

14.4(3) Written objections to applications for electric transmission line franchises, pipeline permits, or hazardous liquid pipeline permits. Written objections in these cases may be submitted through EFS or may be submitted in writing. Electronic filing of objections is preferred. A suggested objection form is available on the board's website.

14.4(4) Comments from persons in any other proceeding in which comments from the public are permitted. Persons may submit comments through EFS pursuant to these rules, by using any applicable online comment form available on the board's website, by email, or by letter. Comments from persons will ordinarily be published in EFS.

199—14.5(17A,476) Electronic filing procedures and formats. Electronic documents shall be filed in accordance with the following procedures and formats:

14.5(1) Persons who make infrequent filings with the board may file as a guest user. Persons who make regular filings with the board may register to obtain a user ID and password pursuant to registration procedures specified in rule 199—14.6(17A,476). The board may direct an infrequent filer to become a registered user.

14.5(2) Electronic filings are made by uploading a document or collection of documents into EFS. Emailing a document to the board does not constitute filing the document.

14.5(3) A filer should provide all necessary information when electronically filing a document.

14.5(4) Electronically filed documents are to be named in a way that accurately describes the contents of each document.

14.5(5) All documents are to be formatted in accordance with the board's standards for electronic information, which are available on the board's website or from the board's customer service bureau.

14.5(6) Any text-based document that has been scanned for electronic filing should be full-text searchable to the extent that is reasonably possible.

14.5(7) Spreadsheets and databases included in filings shall include all cell formulae and cell references. Spreadsheets with macros will not be accepted. Where a filer requests confidential treatment of cell formulae and cell references or any other information included in a spreadsheet or database, the filer may file a request for confidential treatment and two versions of the document: a public version of the document with the cell formulae deactivated and other confidential information redacted and a version not for publication containing live formulae and the information for which confidential treatment is requested.

14.5(8) Hyperlinks and other navigational aids may be included in an electronically filed document. Each hyperlink should contain a text reference to the target of the link. Although hyperlinks may be included in a document as an aid to the reader, the material referred to by the hyperlinks is not considered part of the official record or filing unless the referenced material itself is filed (e.g., hyperlinking a document previously filed in EFS). Hyperlinks to cited authority do not replace standard citation format for constitutional citations, statutes, cases, rules, or other similarly cited materials.

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14.5(9) EFS will display an “Upload Complete” notice when the upload of the filing is completed. If the “Upload Complete—Filing Submitted” notice does not appear, the filer may contact the board’s customer service bureau during regular business hours to determine the status of the filing.

14.5(10) After reviewing the filing, the board’s customer service bureau will either accept or reject the filing. If the filing is accepted, the document (if not confidential) will be published in EFS, and an electronic file stamp indicating the docket number(s) and date of filing will be added to the published document. A Notice of Electronic Filing containing a link to the filing will be sent by email to the filer and to all parties identified on the service list as able to receive electronic service. From the link, the recipient of the notice can view the filing. Where a document is accompanied by a request for confidential treatment, the filing will include the public version of the document, in which information identified as confidential has been redacted. Where a filing consists only of a confidential document, such as a response to a board survey or other inquiry, that the board has deemed confidential pursuant to an order requiring the response, the document will not be published. Acceptance of a document for filing is not a final determination that the document complies with all board requirements and is not a waiver of such requirements. If a filing is rejected, a Notice of Rejection explaining why the filing has been rejected will be sent by email to the filer, or the filer will be contacted by other appropriate means.

14.5(11) Errors. If a filer discovers an error in the electronic filing or publishing of a document, the filer should contact the board’s customer service bureau as soon as possible. The customer service bureau will review the situation and advise the filing party how the error will be addressed by the customer service bureau and what further action by the filer may be necessary, including a revised filing with the board. Ordinarily, any modification to an EFS filing will require a revised filing in EFS. If errors in the filing or publishing of a document are discovered by the board’s customer service bureau, board staff will ordinarily notify the filer of the error and advise the filer of what further action, if any, is necessary to address the error.

14.5(12) Electronic documents and the hearing process. Any prefiled testimony or exhibit that is altered or corrected at the hearing in any way and admitted into evidence, and any paper documents that are newly admitted into evidence as exhibits at the hearing, must be electronically filed at the earliest opportunity but no later than three business days after the material is admitted into evidence.

199—14.6(17A,476) Registration. A person may become a registered user by completing the registration form, which is available on the board’s website, and obtaining a user ID and password. If a user believes the security of an existing password has been compromised, the user should change the password immediately and may contact the board’s customer service bureau.

199—14.7(17A,476) Electronic file. The official agency record in any proceeding is the electronic record maintained in EFS and any paper filings accepted by the board that are not stored in electronic form.

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199—14.8(17A,476) Maps, plan and profile drawings, and other oversized documents.

Any map, plan and profile drawing, or oversized document that is to be filed with the board should be electronically filed as a PDF (Portable Document Format) or such electronic format as designated by the board. If the map, drawing, or oversized document cannot be printed on 11-by-17-inch or smaller-sized paper in legible and usable form, as determined by the board, the original and four paper copies of each map, drawing, or other document filed pursuant to this rule should also be filed, unless more copies are directed by board order or request. Maps and other documents should be drawn to a scale appropriate for the level of detail to be shown. However, if the map, drawing, or other document is not electronically filed, then the number of paper copies filed is governed by other applicable rules, including the “Hearings” rule 199—Chapter 7(17A,476), which concerns the required number of copies for evidence introduced at hearing, and 199—Chapter 26, which contains additional requirements regarding the number of paper copies of minimum filing requirements required to be filed in rate and tariff proceedings.

199—14.9(17A,476) When electronic filings can be made; official filing date. Unless otherwise ordered, an electronic filing can be made at any time outside of any maintenance periods during which the system will not be available. The Notice of Electronic Filing generated when the document is accepted for filing will record the date of the filing of the document, which will be the official filing date of the document.

199—14.10(17A,476) EFS Unavailability; Technical difficulties. Scheduled EFS maintenance and unscheduled EFS outages that are expected to last more than 30 minutes will be posted on the board’s website. It is the responsibility of the filer to ensure that a document is timely filed to comply with jurisdictional deadlines. A technical failure of EFS, the filer’s own computer equipment, or any other part of the filing system will not excuse the filer from compliance with a jurisdictional filing deadline. If a filer is not able to meet a nonjurisdictional deadline because of a technical failure, the filer should, by the earliest available conventional or electronic means, file the document and seek appropriate relief from the board.

199—14.11(17A,476) Documents containing confidential material. Confidential documents will not be published in the EFS. When filing a document containing confidential information, a person shall file one public version of the document with the confidential information redacted according to the board’s standards for electronic information and one version of the document containing the confidential information. The two versions of the document should be named according to the following convention: “Document Title—Public” and “Document Title—Confidential.” It is the responsibility of the person submitting a public version of the electronic document to take appropriate measures to ensure that any embedded information for which confidential treatment is sought is nonviewable, nonsearchable, and nonreversible. Each page of the confidential version of the document shall be marked in a way that identifies it as belonging to the confidential version of the document. The confidential material itself is to be highlighted or otherwise distinguished on the page to identify what

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specific information is confidential. A filing including a document the filer asserts contains confidential information is also to include a separate document containing the request for confidential treatment pursuant to 199—Chapter 1. Documents that the filer asserts contain confidential information will not be electronically served by the board’s EFS, as provided in 199—Chapter 14.

199—14.12(17A,476) Signatures.

14.12(1) *Filings by registered users.* The use of a user ID and password in accordance with the registration procedures specified in rule 199—14.6(17A,476) constitutes the filer’s signature. Filers should use “/s/” followed by the signer’s name to indicate a signature where applicable. All pleadings shall include a signature block containing the signer’s name, title, address, email address, and telephone number.

14.12(2) *Filings by guest users.* The personal information provided to submit a filing as a guest user constitutes the filer’s signature. Filers should use “/s/” followed by the signer’s name to indicate a signature where applicable. All pleadings should also include a signature block containing the signer’s name, title, address, email address, and telephone number.

199—14.13(17A,476) Original documents. When a board rule directs the filing of an original document not prepared by the filer or the party on whose behalf the document is filed, such as an invoice or other document, the filer should scan the original document and file the scanned document in the EFS or request advance board approval of other arrangements. The filer must retain the original document for a period of two years or until the conclusion of the proceeding or the conclusion of an appeal, whichever is greater.

199—14.14(17A,476) Electronic service.

14.14(1) *Service on parties able to receive electronic service.* Unless otherwise provided by board rule or order, whenever a document is filed electronically, a Notice of Electronic Filing will be generated and sent to the filer and to representatives of the other parties who are able to receive electronic service and who are on the service list. This notice will constitute valid service of electronically filed documents and board orders on parties accepting electronic service. The notice will include a service list providing names, addresses, and email addresses of the persons who were sent the notice. No additional proof or certificate of service is necessary in matters in which all parties are able to receive electronic service. It is the responsibility of the filer to review the notice to ensure that all parties have been provided notice. All parties are responsible for ensuring that their email accounts are monitored regularly and that email notices sent to the account are opened in a timely manner.

14.14(2) *Service on parties for whom electronic service is not available.* The service list in each proceeding will be available in EFS. The list will identify the representatives for each party and will also indicate the parties for whom electronic service is not available. A filer is to serve a paper copy of any electronically filed document on all persons entitled to service for whom electronic service is not available, unless the parties agree to other arrangements. The date of service is the day when the document served is deposited in the United States mail or overnight delivery, is delivered in person, or otherwise as the parties may agree. A party

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-serving a paper copy of any electronically filed document on a person for whom electronic service is not available is to file a certificate of service stating the manner in which service on such person was accomplished.

14.14(3) *Service of board-generated documents.* Orders issued by the board will be electronically filed. EFS will electronically transmit notice of posting of orders to all parties on the service list that are able to receive electronic service. This notice will constitute valid service of the order. The board's customer service bureau will mail paper copies of orders to parties who are not able to receive electronic service and to others as ordered.

14.14(4) *Exceptions.* Electronic service through EFS to parties other than the consumer advocate division of the department of justice is not to be used to serve a document that (1) the filer asserts contains confidential material or (2) initiates a proceeding, such as a complaint or application, except for orders opening inquiries, investigations, or rulemaking proceedings, or other similar proceedings where the board has an electronic service list on file.

14.14(5) *Changes to service list.* Filers wishing to change information on the service list may contact the board's customer service bureau. Other changes to the service list, such as a withdrawal of appearance or substitution of counsel, may be requested by means of an appropriate filing.

These rules are intended to implement Iowa Code sections 17A.4 and 476.2.

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 14

Agency Point of Contact (POC) Maison Blead

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 10/18/2023

ARC Preclearance

Date ____ / ____ / ____