

October 20, 2014

STATE OF IOWA
DEPARTMENT OF COMMERCE
BEFORE THE IOWA UTILITIES BOARD **IOWA UTILITIES BOARD**

IN RE: INQUIRY INTO BILL PAYMENT
AGREEMENTS FOR ELECTRIC AND
NATURAL GAS SERVICE

DOCKET NO. NOI-2014-0003

RESPONSE OF THE OFFICE OF CONSUMER ADVOCATE

The Office of Consumer Advocate, a division of the Iowa Department of Justice (hereinafter OCA), submits this Response to the Motion to Extend Time for Docket to Remain Open and Request for Additional Clarification submitted by MidAmerican Energy Company (“MEC”) on October 17, 2014, and does hereby state:

1. MEC filed a pleading entitled Motion to Extend Time for Docket to Remain Open and Request for Additional Clarification in NOI-2014-0003, a proceeding initiated by the Board to collect information from electric and gas utilities concerning bill payment agreements entered into with residential customers during and after the 2013-2014 winter moratorium. MEC asked the Board to keep this docket open to allow the parties to address whether written payment agreements are written agreements for purposes of the Iowa statute of limitations. In the alternative, MEC asked the Board to open a new Notice of Inquiry dedicated to the statute of limitations issue.

2. OCA does not support MEC’s request to leave the current NOI docket open for purposes of addressing the statute of limitations issue raised by MEC. MEC’s issue is beyond the scope of the issues announced in the notification of the current NOI.

3. The Board opened the present NOI by issuing an Order Initiating Inquiry on March 20, 2014. The Board stated that the purpose of the NOI was “to collect information from electric and natural gas utilities concerning bill payment agreements entered into with residential customers during and after the Winter Moratorium period. . . . This inquiry has two primary goals: (1) to serve as a reminder of the Board's rules regarding payment agreements for residential customers, and (2) to collect data to provide a better understanding of the ability of the Board's rules to address some of the issues raised by extreme winter weather.” The statute of limitations issues raised by MEC does not relate to either of these goals. Addressing these statute of limitations issues in this NOI does nothing to further the Board’s goal of reminding utilities and the public about the Board’s rules regarding payment agreements for residential customers because a payment agreement would have to have been entered into at least five years ago to be implicated by the statute of limitations. Likewise, information regarding payment agreements issued many years ago would be irrelevant to a consideration of the effectiveness of Board rules in the context of recent extreme winter weather. The present NOI has been open almost seven months and has received more than 200 responses. It would be inappropriate to further extend this docket to address unrelated issues.

4. Additionally, it would not be appropriate to address the statute of limitations in the present NOI docket because interested parties and the public have not been put on notice that the focus of the docket would extend to issues related to the statute of limitations. If the Board extends this NOI to consider these topics it is possible that interested parties would miss their chance to respond to the new issues

5. Finally, in the alternative, MEC asked the Board not to address the statute of limitations issue in a complaint proceeding but to open a new Notice of Inquiry. OCA asserts it is

the Board that should determine when and in what type of proceeding it should review the statute of limitations issues.

WHEREFORE, OCA respectfully requests that the Board 1) deny MEC's request to keep the current NOI docket open for the purpose of considering the statute of limitations issues, and 2) determine whether the statute of limitations issues warrant further consideration, and if so, to establish an appropriate proceeding with proper notification for that purpose.

Respectfully submitted,

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/s/ John S. Long

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