

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

**FILED WITH
Executive Secretary
January 27, 2015
IOWA UTILITIES BOARD**

IN RE: Rock Island Clean Line LLC	Docket Nos. E-22123, E-22124, E-22125, E-22126, E-22127, E-22128, E-22129, E-22130, E-22131, E-22132, E-22133, E-22134, E-22135, E-22136, E-22137, E-22138
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**REPLY TO THE PRESERVATION OF RURAL IOWA ALLIANCE’S RESPONSE
TO WIND ON THE WIRES’ PETITION TO INTERVENE**

COMES NOW Wind on the Wires’, by and through undersigned counsel, replying to The Preservation of Rural Iowa Alliance’s (“Alliance”) response that was filed on January 20, 2015 in the dockets listed in the caption above. The Alliance’s filing should be dismissed or rejected as being untimely. If the Alliance’s filing is found to not be untimely, Wind on the Wires’ should be allowed to fully participate in each of the dockets. In support of our reply on those points, Wind on the Wires states the following:

1. On January 8, 2015 Wind on the Wires filed a petition to intervene (hereafter referred to as “Petition to Intervene”) in the above-captioned dockets before the Iowa Utilities Board (hereafter “Board”).
2. A Notice of Electronic Filing of our petition to intervene in the above captioned dockets was issued by the Board on the same day as our filings, January 8, 2015. The Attorney for

Alliance, Mr. Justin E. LaVan, was on the service list attached to the Notice of Electronic Filings for each of the dockets.

3. On January 20, 2015, The Preservation for Rural Iowa Alliance filed “The Preservation for Rural Iowa Alliance Response to Petition for Leave to Intervene of Wind on the Wires” (hereafter referred to as “Alliance Response”). Alliance objects to our intervention or in the alternative requests limitations on our participation in each docket.

Alliance’s Response Should be Dismissed Because it is Untimely

4. The Board’s rule regarding intervention sets a deadline for responses: “Response. Any party may file a response **within seven days of service of the petition to intervene** unless the time period is extended or shortened by the board or presiding officer.” 199 IAC 7.13(2) (emphasis added).

5. The Board’s rules incorporate by reference Iowa Code subsection 4.1(34) (*see* 199 IAC 7.5(1)) which counts weekend days as part of the seven days. If the date for filing the response falls on a weekend day or certain days stated within subsection 34, which include state and federal holidays, then the filing deadline is extended to the day following the weekend or holiday. Iowa Code §4.1(34)(2015).

6. Seven days following January 8th would have been Thursday, January 15th. The Alliance’s filing was after that deadline. Moreover, to file a response outside of Board’s rules of practice requires a motion, and none was presented to the Board.

7. Thus, Alliance’s response should be dismissed or rejected.

Wind on the Wires' Interest in the Case

8. If the Board does not reject Alliance's filing, Wind on the Wires' states the following in reply to Alliance's challenge to our interest in the case:

9. Alliance states that Wind on the Wires' intervention "will only result in duplication of efforts" because our stated interest in the case is "supporting transmission system expansion." Alliance Response, at ¶3.

10. Alliance failed to correctly capture our interest in the case. Wind on the Wires' members include wind developers, environmental organizations, wind energy experts, tribal representatives, clean energy advocates, and businesses providing goods and services to the wind industry in Iowa and across the country. Petition to Intervene, at ¶1. Our interest in the case is on their behalf. This is evident from our Petition to Intervene through the following statements:

this transmission line will create an opportunity for wind developers to invest and operate new wind farms in Iowa (Petition to Intervene, at ¶2)

and

The Rock Island Clean Line project is one of those transmission system expansions necessary to allow for the continued growth of wind in the Midwest while creating jobs, spurring economic growth, and broadening the state's tax base" (id.),

therefore,

It is likely that the Board's decisions regarding the Rock Island Clean Line, LLC's franchise agreements will affect the business interests of Wind on the Wires and its' members who operate in the states in which the transmission line interconnects with the existing electric transmission line facilities. (Id. at ¶4).

11. Rock Island Clean Line's interest in building the DC transmission line is distinct from our members identified above. Rock Island does not build nor operate wind generating facilities, nor does it supply wind turbines or their parts or components, nor does it provide construction consulting services, nor does it provide materials such as concrete or aggregate. Thus, if this line

is not built the opportunity for wind developers and wind supply chain companies to benefit from the construction and operation of 4,000 megawatts of wind generating capacity in northwest Iowa in the near term is lost. *In contrast*, Wind on the Wires members' interest in the line being built is related to building and operating the wind farms and components thereof or environmental benefits of having more wind energy in electric markets. Therefore, it is clear that Wind on the Wires and its' members motivation for and benefit from this line is wholly different than Rock Island's interest.

12. If this project is denied our members would lose the opportunity to engage in business opportunities to build and operate approximately 4,000 megawatts of new wind generating capacity. *See* 199 IAC 7.13(3)(b). These business opportunities, while obviously reliant on a transmission line being placed into operation, are separate and distinct business ventures from the Rock Island line itself.

13. There are no other parties in these dockets representing the interests of wind developers, clean energy advocates, or businesses in the wind energy supply chain. *See* 199 IAC 7.13(3)(c).

14. To our knowledge, there are no other means through which our interests may be protected. *See* 199 IAC 7.13(3)(d).

15. Our participation will assist in the development of the record regarding the need for the line, presenting testimony and analysis of how the line and additional energy from wind resources is beneficial. *See* 199 IAC 7.13(3)(e).

Wind on the Wires Should be Allowed to Participate in these Dockets Without Limitation

16. Alliance states:

if the Petition to Intervene is granted, Alliance requests that specific limitations be placed on Wind on the Wires participation prohibiting the filing

of duplicative type direct testimony, exhibits, or other evidence or conducting cross examination of witnesses. Alliance Response, at ¶4.

17. Wind on the Wires participation in these dockets should not be limited. Wind on the Wires' intends to present analyses and opinions that are based on the viewpoints of our members listed above, specifically from the perspective of wind developers, companies in the wind turbine supply chain, and clean energy advocates.

18. Thus, our role in this case will provides facts and opinions in this case that would not otherwise be provided by Rock Island or other parties. Therefore, there should be no limit on our participation in these dockets.

WHEREFORE, we respectfully request the Iowa Utilities Board grant Wind on the Wires' petition to intervene in each docket without limitation.

Respectfully submitted,

_____/s/_____
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Dated: January 27, 2015

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