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

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| **IN RE:** | : | **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, and E-22138** |
| **ROCK ISLAND CLEAN LINE LLC** | : | **REPLY TO RESPONSES TO MOTION TO ESTABLISH PROCEDURAL SCHEDULE** |

Rock Island Clean Line LLC ("Clean Line") filed a Motion to Establish a Procedural Schedule in these Dockets on November 30, 2015 (the "Motion"). A number of responses to the Motion have been filed. The responses have included both filings in support of the Motion and filings in opposition to the Motion. Those supporting the Motion include the Iowa Association of Business and Industry ("ABI"), Wind on Wires ("WOW"), the Iowa Environmental Council ("IEC"), the Environmental Law and Policy Center ("ELPC"), and the Laborers' International Union of North America ("LiUNA"). Filing in opposition were the Preservation of Rural Iowa Alliance ("PRIA"), several individual objectors ("Objectors"), and certain members of the Iowa House of Representatives ("Legislators"). The Office of Consumer Advocate ("OCA") also filed a response, which was cast neither as a resistance nor a pleading in support. Clean Line hereby submits this Reply to the responses that have been filed.

Prior to addressing certain specific allegations contained in the responses, Clean Line will address directly the assertion made in some of the responses that this is the third time Clean Line has requested the Board to modify its traditional procedure for approving franchises for transmission lines by addressing certain issues at a different time than others. In order to grant

Clean Line's Motion, the Board need not decide that it erred in prior decisions. As detailed in Clean Line's Motion, the facts and circumstances have changed since Clean Line's earlier procedural motions, and Clean Line has made commitments not included in prior motions. The Board need only decide that the present facts and circumstances and the additional clarity and commitments provided by Clean Line warrant granting the Motion.

The present Motion is a fresh proposal that requests a specific procedural schedule to advance the Clean Line case for consideration by the Board. Compared to Clean Line's earlier filings, the Motion provides more detail and explanation concerning the issues that would be addressed in each phase of the proceeding; elaborates on the benefits to Iowa utility customers from the proposed procedural schedule that had not previously been fully raised; responds to recent developments in other major infrastructure cases before the Board; and addresses the Board's previously expressed concerns raised in prior Orders in these Dockets about clarity, convenience, and due process.

In hindsight, it is clear that Clean Line's initial Motion to Bifurcate[1] was filed prematurely (prior to the Franchise Petitions being filed). Clean Line had not filed its preferred route and it therefore may not have been possible for all potentially interested parties to be identified. Further, Clean Line's subsequent Request to Consider Eminent Domain in a Separate Proceeding[2] may have failed to provide sufficient clarity on a number of issues. Additionally, both pleadings were filed prior to the Board's recent experience considering a linear infrastructure project that, like the Rock Island Clean Line project (the "Project"), extends from one end of the State to the other. As noted in the Motion, the Board has recently gained some valuable insight into how such a project may best be administered. Clean Line now believes the facts and circumstances are ripe for the Board to establish the procedural schedule for Clean Line's sixteen Franchise Petitions filed on November 6, 2014.

[1] Motion to Bifurcate filed October 15, 2013.

[2] Motion to Consider Eminent Domain in a Separate Hearing and Supporting Documents filed December 8, 2014.

The Board clearly has the authority to grant Clean Line's Motion and establish a procedural schedule as proposed by Clean Line. Iowa Code §474.3 permits the Board to "conduct its proceedings . . . in such manner as will best conduce to the proper dispatch of business and the attainment of justice" and 199 IAC 7.14(2) provides that the "Board or presiding officer may order any contested case or portions thereof severed for good cause." None of the stakeholders filing in opposition to Clean Line's Motion contest such authority; instead, most merely argue against granting the Motion because they oppose the Project or the potential use of eminent domain. Few of those filings in opposition raise any specific issues with the procedural schedule proposed by Clean Line, and none offers an alternative schedule. In contrast, those filing in support of the Motion identify clear advantages to be gained from adopting Clean Line's proposed schedule.

Replies and comments on each of the responses follow:

**A. Reply to PRIA.**

PRIA filed a resistance on December 10, 2015. In its resistance, PRIA primarily encourages the Board to deny the Motion because the Board denied Clean Line's prior motions. PRIA notes that the Board had previously raised concerns about due process (PRIA Resistance p. 2), but does not include any legal analysis regarding the concerns previously raised by the Board. Further, PRIA fails to recognize that the due process concerns that may have existed at the time of the Board's prior orders no longer exist due to the filing of the proposed route and the additional detail provided by Clean Line about which issues will be addressed in which part of the Proceeding. Additionally, PRIA neither acknowledges nor addresses the points made by Clean Line in its Motion concerning the Dakota Access case.[3]

[3] The Dakota Access case referenced herein is the proceeding involving the Board's consideration of the Petition for Permit filed by Dakota Access, LLC on January 20, 2015. The Permit, if granted, would authorize the construction of a crude oil pipeline extending from one end of the State to the other, crossing 18 Iowa counties. The Petition was assigned Docket Number HLP-2014-0001 and the hearing on the Petition was recently completed.

PRIA does appear to acknowledge that Clean Line has provided more clarity to the stakeholders and landowners in the instant Motion (PRIA Resistance at p.3). PRIA does not point to any portion of Clean Line's proposed procedural schedule that is unclear, and it does not indicate that either it or any of its members would have difficulty understanding which issues will be tried in each phase of the proceeding. However, PRIA, without explanation, jumps to the conclusion that the mere fact that a landowner may have to participate in two phases of the proceeding means Clean Line's procedural schedule lacks clarity, subverts due process, and warrants denial of Clean Line's Motion (PRIA Resistance at p.4).

The Board recently affirmed that due process involves a flexible analysis that takes into account the nature of the proceedings and administrative burden:

> The requirements of due process are flexible and accordingly the type of hearing required depends upon (a) the private interests implicated; (b) the risk of erroneous determination by reason of the process accorded and probable value of added procedural safeguards; and (c) the public interest and administrative burdens, including costs that additional procedures would involve.

*Order Regarding Motion for Clarification of Cross Examination of Witnesses,* Iowa. Utils. Bd. Docket No. HLP-2014-0001, p. 5, Issued Nov. 9, 2015. (*citing*, *Callender v. Skiles,* 591 N.W.2d 182, 189 (Iowa 1999) (internal citations omitted)); *See also Jones v. Univ. of Iowa,* 836 N.W.2d 127, 145 (Iowa 2013) ("Due Process is a flexible concept that varies with the particular situation . . . [A]ll that is necessary is that the procedures be tailored to the capacities and circumstances of those who are to be heard, to insure that they are given a meaningful opportunity to present their case" (internal citations omitted); *Hedges v. Iowa Dept. of Job Serv.,* 368 N.W.2d 862, 867 (Iowa Ct. App. 1985) ("[T]he full panoply of procedural due process rights is not necessary for an administrative hearing to pass constitutional muster.").

As described in Clean Line's Motion, the issues to be decided in each phase of the proceeding can be and have been clearly described. Any interested stakeholder will have ample

notice and opportunity to present his or her concerns to the Board under Clean Line's proposed procedural schedule. Due process concerns that may have existed with Clean Line's initial Motion to Bifurcate (due to the fact the Franchise Petitions had not been filed) or its Motion to Consider Eminent Domain in a Separate Proceeding (due to a failure to provide clarity) have been addressed in Clean Line's instant Motion, and the Board should resist PRIA's suggestion that it should deny this Motion out of hand merely because it has denied Clean Line's prior motions. An appropriate analysis of Clean Line's Motion requires an evaluation of the grounds put forth by Clean Line in support of its Motion. The Motion details exactly how due process will be protected. All potentially interested parties have been identified and will be given proper notice. The Motion outlines the way each interested party will be given full opportunity to be heard and clearly identifies the point in the proceeding when various issues would be considered. PRIA's mere citation to conclusions reached by the Board in prior Orders is insufficient to properly respond to or evaluate Clean Line's Motion.

Clean Line asserts in its Motion that its proposed procedural schedule will enhance the likelihood of more voluntary easements being obtained after the first phase of the proceeding and prior to the second phase. PRIA challenges Clean Line's assertion and contends that "there is no likelihood that any Phase One success by Clean Line will result in a meaningful increase in the number of voluntary easements Clean Line will obtain." (PRIA response at p.5). PRIA notes a prior Board finding that PRIA has advised its members not to sign voluntary easements. However, if Clean Line prevails in the first phase of the proceeding, it is logical and supported by evidence that some of the opposition to execution of voluntary easements will be resolved, as some of the hesitance to sign voluntary easements derives from both the lack of a Board determination on whether the Project is needed and a desire to contest the Project's route.

Indeed, witnesses testifying in the recent Dakota Access case supported a similar conclusion. Although the complete formal transcript from the proceeding at the time of the submission of this Reply was not yet available,[4] the undersigned attorney for this Reply asserts that Dakota Access witness Joey Mahmoud, in responding to questions from Board Member Jacobs, explained that there were individuals that did not want to have an easement on their property for a project that had not yet been approved and may not be approved. However, following approval, the Dakota Access witness testified that he anticipated the applicant would be able to successfully negotiate an easement with these individuals. When asked to quantify the number of landowners who had expressed a desire not to grant or negotiate an easement prior to the approval of a permit, the Dakota Access witness noted that approximately 10% of the landowners (which in that case would be approximately 40% of the landowners from whom easements had not been obtained at that time[5]—an enormously significant percentage) were in such a position, and that the applicant hoped to be able to acquire all easements voluntarily after the permit was issued. Further, as noted in Clean Line's Motion, Iowa State University also articulated its desire for a determination of the public interest for the Dakota Access project prior to negotiating an easement for that project. As described in Clean Line's Motion, more voluntary easements will mean fewer eminent domain requests, greater convenience to landowners (and other stakeholders) who do not wish to go through the eminent domain process, and increased efficiency. Such benefits are exactly the type of evidence needed to allow the Board to grant Clean Line's Motion. The Board is given wide latitude in determining how to conduct its proceedings. The fact the Board's general rules of practice and procedure for contested cases do not apply to electric transmission line cases is indicative of the even greater latitude given to the Board in considering these types of proceedings. 199 IAC 7.1(3).

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[4] In which circumstance, exact quotations are not available, but the general description is provided to the best of Clean Line's ability.

[5] Approximately 25% of the total easements required were outstanding at the time of the Hearing in that case, so 10% would have been 40% of that 25%.

**B. Reply to Mr. Doorley.**

Included among the individual respones filed in opposition to Clean Line's Motion is one filed by Mr. Jim Doorley ("Mr. Doorley").[6] While Clean Line will further address most of the individual responses as a group in Section E below, some points in Mr. Doorley's response warrant a more detailed response. Clean Line, however, will not respond to all of the allegations made in Mr. Doorley's response, as many are aimed at the merits of the Project (issues that would be dealt with in the first phase of the proposed two-phase proceeding) and are not currently relevant to the Motion. Others are attacks on Clean Line generally that are irrelevant to either this Motion or the merits of the Project. The lack of a specific denial should not be construed by the Board as an admission, but rather recognized as an effort to keep this Reply focused on those matters that are pertinent to the consideration of the Motion before the Board.

Mr. Doorley states that Clean Line has "failed" to obtain voluntary easements for 85% of the route and that Clean Line refuses to admit it still needs a significant number of easements from landowners. Clean Line states clearly now that it still needs to obtain approximately 85% of the easements that will ultimately be required. However, Mr. Doorley's assertion that Clean Line has "failed" to secure the 85% of easements required is simply wrong. Clean Line has obtained approximately 15% of the easements needed for the Project using only a handful of land-representatives, over an active period of less than a year, as part of an effort that was limited in scope and goals. Clean Line's goals for its easement acquisition effort at that time were *only* to show indicative right-of-way acquisition in each county (allowing landowners and stakeholders to see Clean Line's easement agreement, compensation package and general right-of-way acquisition process), and to show a good faith effort to acquire an initial amount of right-of-way. Clean Line has succeeded in these goals. Clean Line has not yet attempted to acquire the bulk of the easements

[6] The Board will recall that Mr. Doorley filed a resistance to Clean Line's prior Motion to Consider Eminent Domain in a Separate Proceeding.

needed for the Project and would attempt to do so following the first phase of the proposed procedural schedule. The continued ability of Clean Line to obtain the remaining easements voluntarily following a successful first phase of the proceeding, rather than through the use of eminent domain in a single aggregated proceeding, is in fact the very core of Clean Line's Motion.

Mr. Doorley challenges allegations contained in Clean Line's Motion that the Project will meet a need to export Iowa's abundant renewable resources to markets where they are needed. He contends that Iowa does not need the Project to facilitate the construction of wind farms in Iowa or to transport excess renewable energy to other states. He notes the investments in infrastructure being made by MidAmerican Energy and other utilities pursuing Multi-Value Portfolio ("MVP") projects. The issue of need is one for the Board to decide in the first phase of the proceeding as presented by Clean Line in its proposed procedural schedule. The fact that Mr. Doorley and others appear to have strong opinions concerning this issue warrants a procedural schedule that allows this central issue to be tried before either the landowners or Clean Line invests considerable additional effort on easement negotiation.

Although the issue of the need of the Project should be determined in the first phase of Clean Line's proposed procedural schedule rather than currently, Mr. Doorley's raising of the topic of MVP transmission projects does broach a very significant benefit of the proposed procedural schedule that is critically relevant to the current Motion and has not previously been fully and directly addressed. All of the MVP projects raised by Mr. Dooley are cost-allocated, meaning that the investors in the utilities developing them have only very low risk to contemplate. If, for example, an MVP project is under development, and a utility is acquiring easements for a route, and the route later changes, the utility can typically recover the costs for the unnecessary easements from ratepayers, including Iowa ratepayers. Clean Line's investors have no such security and therefore face much greater risk. Further, if Clean Line's investors are not willing to proceed with

the major expense of full easement acquisition prior to Project approval, then the Board must recognize the very real risk that the new transmission required to meet the needs identified by Clean Line will instead ultimately be met by cost-allocated project development borne in part by Iowa ratepayers.

If the Board does not support participant-funded (sometimes termed "merchant") business models, the need to expand transmission infrastructure to enable more wind energy will not simply evaporate. Rather, particularly in the context of federal regulation of power plant emissions, the Board can anticipate that the planning processes of MISO and other regional transmission organizations will identify new cost-allocated transmission lines that will be paid for, in part, by Iowa electric ratepayers. The cost of these new transmission lines could easily run into the *billions of dollars*.[7] The Board should recognize that it has an opportunity now, with the current procedural Motion, to allow the further consideration of a project that would have all of its associated costs allocated to the specific users of the line, which will *not* include Iowa ratepayers.[8] The public benefit to Iowa ratepayers of this avoidance of future costs is alone sufficient justification for the Board to grant the procedural flexibility sought by Clean Line.

In summary, when Mr. Doorley states "our Iowa single step franchise approval process has served the IUB, Iowa utilities and Iowans very well for decades," he is certainly correct; however, for decades every single transmission project has had costs allocated to Iowa ratepayers. The current Motion for the Project offers a real opportunity to avoid *future costs* for Iowa ratepayers, and how to do so procedurally is the relevant question.

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[7] See Franchise Petitions, Exhibit D, Page 14. MISO recently completed a study of the draft Clean Power Plan. They found the need for $1.4-3.3 billion of additional, cost-allocated MISO transmission to comply economically with the CPP. While MISO has not completed its study of the final rule, the final rule required similar carbon dioxide reductions. MISO Phase III Analysis of the Draft CPP Final Report at p. 10.

[8] In granting Clean Line's request for negotiated rate authority, the Federal Energy Regulatory Commission ("FERC") specified: "Rock Island [Clean Line] has agreed to bear all the risk that the Rock Island Project will succeed or fail based on whether a market exists for its services. Rock Island [Clean Line] has no ability to pass on any costs to captive ratepayers." 139 FERC ¶ 61,142 at P 16.

**C. Reply to Legislators.**

A letter addressed to the Board was submitted by Iowa House of Representatives member Dean Fisher opposing the Motion.[9] The letter urges the Board not only to reject the Motion, but to reject the entire Project outright. In support of the request, the letter notes Clean Line's alleged lack of success in obtaining easements (the inaccuracy of which was addressed above in response to Mr. Doorley) and concludes, based on this unsupported assertion, that the Project is not wanted and that eminent domain should not be granted. As the Board is well aware, the Legislature has articulated the criteria to be utilized by the Board in evaluating a Petition for Electric Transmission Line. The Board is to determine if the proposed line or lines are necessary to serve a public use and represents a reasonable relationship to an overall plan of transmitting electricity in the public interest. Iowa Code 278.4 (2015). This criterion was not evaluated by the Legislators in their letter. While the Board is merely being asked at this time to establish a procedural schedule for the conduct of the proceeding and it would be premature for the Board to make a determination concerning this criterion, Clean Line has offered substantial support for the Project in the Exhibit D submitted with its Petitions.

Rep. Fisher's letter also claims that Clean Line seeks separation of the proceeding as a means to pressure landowners, without offering support for this allegation. As described in Clean Line's Motion, however, anyone who opposes the need for the Project or the route for the Project may do so in the first phase of the proceeding. Additionally, in order to dispel any unsubstantiated concerns that Clean Line will somehow change its compensation offer after it is granted a Franchise or exert undue pressure on landowners, Clean Line has recommended the Board impose a condition on the grant of the franchise that would require Clean Line to maintain the same voluntary right-of-

[9] The letter also includes the names of Representatives Bobby Kaufman and Ralph Watts. While Rep. Kaufman and Rep. Watts are listed on the letter, it does not appear as though they executed the same. Clean Line is presuming that Rep. Fisher had their concurrence prior to filing the letter.

way offer structure after the franchise is approved as was made available prior to approval. Moreover, as described in Clean Line's Motion, the procedural schedule proposed by Clean Line is reflective of a practice that is common in other states.

Finally, Clean Line notes that the procedural schedule that it is asking for here is in fact implicit and common for projects involving municipal and state agencies here in Iowa. Municipalities, the Iowa Department of Transportation, and other governmental agencies who are vested with the right of condemnation very commonly utilize a process in which the agency approves a project before it proceeds to condemnation. While landowners may not agree with projects implemented under those agency processes, there has not been a public outcry that the two-phase nature of such considerations is procedurally unfair. If the Project is approved, it would be found to provide public benefit in a similar fashion to how other state and municipal agencies' projects provide public benefits. The Legislature as a whole apparently has not considered such processes to be unfair to landowners. Rep. Fisher's unsubstantiated allegation of unfairness is not reason to deny Clean Line's Motion.

**D. <u>Reply to OCA</u>.**

The OCA filed a response to Clean Line's Motion on December 11, 2015. The OCA indicates that it has no objection to the Board establishing a procedural schedule in these Dockets. Notably, while the OCA resisted Clean Line's initial Motion for Bifurcation, the OCA does not necessarily resist the instant Motion and acknowledges that the Board has the authority to bifurcate the issues.

In its response, the OCA indicates that "if the Board is convinced by RICL's Current Motion that there are no overlapping factual and policy matters and decides to hold separate hearings regarding the franchise and eminent domain decisions, … the Board must issue sufficient notice and guidance to the public." (OCA Response at ¶7). The OCA contends that "such notice and guidance must enable all interested parties to know and understand well in advance of any hearing the proper

venue for each argument or evidentiary item." (OCA Response at ¶7). Clean Line shares the OCA's desire for proper notice and clarity concerning the issues that will be considered at each phase of the proceeding. Accordingly, Clean Line has clearly articulated in its Motion the legal and factual issues that will be addressed at each phase. The OCA asserts that the Board should only deny the Motion "if the Board cannot ensure that members of the public and interested parties will have sufficient notice of and guidance about the appropriate hearing in which to properly raise their concerns." (OCA Response at p. 3). Clean Line is confident the Board can provide the notice and guidance sought by the OCA and therefore there is no reason to deny the Motion. The Board can solicit the assistance of the OCA, Clean Line, and the other parties to the proceeding in drafting or providing comments on draft notices before proceeding to ensure the notice provides the guidance and clarity sought.

**E. Reply to Individual Objectors.**

In addition to the responses addressed above, a number of filings have been made by individual objectors.[10] Most of the filings made by the individual objectors could be properly characterized as an additional objection to the Project or the use of eminent domain, as they provide scant, if any, mention of the Motion or the procedural processes proposed therein. The individual objectors, like PRIA and the Legislative representatives, attempt to make a great deal out of the number of

[10] As of the filing of this Reply, these included: Mary Butterbodt as President of BMS LLC; Catherine Jones-Davies as administrator of the Catherine Jones Davies Revocable Trust; Dennis and Deb Zabokrtsky; Don, Carol, Barrett, and Andrew Hatch; Gene and Lisa Dirks; Pam Hartwig; Bob & Jeanne Bohnsack; Jenna Swanson; Wayne and Donna Robinson; Tim Howell; Jerry Crew; Nancy Schmalenberger; Tom and Betty Zentner; Dennis Sloth; Norma Holdorf; Bret Gogelman; Linda Oberle; Faith Fogelman; Kim Junker; Ryan Koenen; Ted Junker; Margaret Shontz; Joel Parsons; Tonna Parsons; Paul Swanson; Merle and Mary Lynch; Dean Fish; Beverly M Green; Marilyn and Dan Lambertsen; Michelle, Robert, Brandon, Clavin, and Alice Jo Gibson; Douglas Schroeder; Jerry Goldsmith of Goldsmith Farms; Margaret Sadeghpour-Kramer and all members of HOF Plattenberg LLC; Emily Homan; and Delores Rohlf.

voluntary easements obtained by Clean Line to date, an improper argument which Clean Line has responded to above in Section B and Section C. Some assert that the Board has already denied Clean Line twice and indicate that nothing has changed and urge the Board to reach the same conclusion. However, Clean Line has presented many new considerations and many facts have changed: Clean Line has provided more clarity in its Motion concerning the issues to be determined in each phase of the proceeding; Clean Line has committed to keep open its compensation offer as described in Section C above; the Board has gained recent experience with long-distance inter-state linear infrastructure that it did not have at the time of the earlier decisions; the potential rate impact of the procedural decision to Iowa ratepayers has been more fully clarified; and additional parties have stepped forward to express support for the Motion as discussed below.

Some objectors contend Clean Line is seeking to "change the rules in the middle of the game." Clean Line is not seeking to change any Board rules but rather to implement existing rules in a way that fits the circumstances at hand. The prospect of a separation of issues has long been understood. The Board took the position that it could divide the issues in an electric transmission line franchise proceedings more than two years before Clean Line submitted its Franchise Petitions in these Dockets and prior to the initial public informational meeting. (See, Letter from the Board's General Counsel to Iowa Senate and House members dated March 2, 2011, which letter was copied to Clean Line and was attached to Clean Line's initial Motion to Bifurcate as Exhibit A). Clean Line is now asserting that the circumstances warrant such a division of the issues and has provided support for the same in its Motion and in this Reply.

**F. <u>Notation of Support.</u>**

A number of entities have submitted pleadings or letters in support of Clean Line's Motion. These include WOW, the ABI, the ELPC, the IEC, and the LiUNA. These letters are evidence that there are other interested parties who support the granting of the Franchise Petitions to Clean Line

and, in particular, support a process that allows the merits of the proposed project to be tried and decided separately from individual parcel-specific eminent domain requests.

LiUNA notes that it participated in the recent proceedings involving the Dakota Access Pipeline. LiUNA indicates that those proceedings, "conducted in the traditional Iowa aggregated fashion (parcel specific eminent domain applications considered simultaneously with the determination of public interest and route)", caused the process to be "unnecessarily burdensome to LiUNA and for many other parties involved." (LiUNA response at p. 2)

WOW asserts that the procedural schedule included in Clean Line's Motion "will improve the efficiency of the case, is more convenient for Wind on Wires and likely other parties, and is a common approach used in Iowa's neighboring states when evaluating a transmission line's public convenience and necessity." (WOW response p.2). WOW includes specifics concerning other cases wherein it has been a participant and the individual parcel-specific eminent domain issues were addressed in separate proceedings without causing any due process or constitutional concerns.

The ELPC and IEC responses, like those of the other supporters, indicate that they have no interest in the issues that would be decided in the second phase of Clean Line's proposed procedural schedule. They therefore support the two phase process proposed by Clean Line. They also note the importance of the Project to the development of Iowa's wind potential. Like Mr. Doorley, the IEC recognizes that Iowa is fortunate to have several MVP projects; but additional transmission expansion is necessary. IEC notes that the Project is unique in that it allows Iowa to expand wind energy and wind energy exports without impacting Iowa ratepayers.

Finally, the lack of ratepayer impact is also noted in ABI's letter of support. ABI asserts that "in light of the unprecedented opportunity that the Rock Island Clean Line project represents for Iowa ratepayers to avoid costs, the IUB must consider procedural flexibility to ensure that its processes are not hostile to the Project's needs." The potential of the procedural schedule proposed by Clean

Line to avoid cost allocation of future transmission investments to Iowa rate payers has never been addressed by the Board in the prior procedural discussions in this case and must be considered in the pending decision.

**CONCLUSION**

The Board is tasked with conducting its proceedings in such a manner that will best bring about the proper dispatch of business and the attainment of justice. Iowa Code 474.3 (2015). The Board is given wide latitude in determining how to conduct its business and has the authority to make and amend its rules from time to time as necessary for the preservation of order and the regulation of the proceedings before it. Iowa Code 474.5(1) (2015). There is no debate concerning the ability of the Board to grant Clean Line a procedural schedule as proposed in its Motion. Clean Line urges the Board to grant its Motion so these Franchise Petitions may be properly considered by the Board, which could lead to Iowa benefitting greatly from the additional transmission infrastructure that has been proposed.

Respectfully submitted

SULLIVAN & WARD, P.C.

/s/

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ATTORNEYS FOR ROCK ISLAND CLEAN LINE LLC

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the foregoing document with the Iowa Utilities Board utilizing the Board's Electronic Filing System, and therefore causing the same to be served on all individuals or entities participating in these Dockets through said system.

Dated: December 21, 2015.

By: _____/s/_____
Dennis L. Puckett