

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
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, and E-22138
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**ORDER SETTING SCHEDULING CONFERENCE AND  
SETTING INTERVENTION DATE**

(Issued June 23, 2016)

On November 6, 2014, Rock Island Clean Line LLC (Clean Line) filed with the Utilities Board (Board) 16 petitions for electric transmission line franchises in 16 Iowa counties. Clean Line proposes to build a direct current transmission line from northwest Iowa to Illinois, a total distance of approximately 500 miles.

On November 30, 2015, Clean Line filed a “Motion to Establish Procedural Schedule.” Clean Line asked the Board to adopt a schedule with a single proceeding in two phases. The first phase would have considered issues related to the project use, the relationship of the project to an overall plan of transmitting electricity in the public interest, the route of the project, and the general eligibility of the project for the power of eminent domain. The second phase would have considered whether Clean Line would be granted the power of eminent domain over specific properties.

On January 11, 2016, the Board denied the request in an “Order Denying Motion to Establish Requested Procedural Schedule.” The Board stated that splitting

the proceeding into two hearings would detrimentally affect the convenience and efficiency of other parties, particularly affected landowners. But the Board noted that it was not opposed to setting a procedural schedule and asked Clean Line to file an appropriate motion if it desired a schedule that included a single hearing to address all issues. No subsequent filings have been made in this matter.

On May 27, 2016, House File 2459 was signed into law, adding § 478.6A “Merchant line franchises – requirements – limitations” to the Iowa Code. This newly-enacted statute creates a new class of electric transmission lines, called “merchant lines,” and sets time limits for processing franchise petitions for merchant lines. Clean Line’s proposed electric transmission line is a merchant line as defined in the new statute.

Going forward, all petitions for a franchise for a merchant line that involves the taking of property under eminent domain will be subject to § 478.6A, which establishes a three-year deadline for Board action on those petitions. *Id.* If that deadline is not met then the petition shall be rejected and the petitioner may not file a petition for the same or similar project within sixty months following the date of rejection. *Id.*

Section 39 of House File 2459 sets out slightly different time requirements for merchant line petitions filed on or after November 1, 2014, that have not yet been approved by the Board as of May 27, 2016. The three-year approval period is not

applicable to these petitions; instead, the Board must act on these petitions within two years. *Id.* The Clean Line petitions fall into this classification and therefore a decision on these petitions must be issued by the Board no later than May 27, 2018.

The Board has recent experience with lengthy infrastructure projects affecting numerous Iowa landowners. Such proceedings can require significant time to conduct. The Board would like to hear from the parties regarding the likely time requirements for this proceeding and will therefore set a date for a scheduling conference. The conference will begin at 2 p.m. on July 11, 2016, in the Board's hearing room. The scheduling conference will be for those parties who have been granted intervention or who have filed for intervention as of July 6, 2016.

**IT IS THEREFORE ORDERED:**

1. A scheduling conference for all parties will convene at 2 p.m. on July 11, 2016, in the Board's Hearing Room at 1375 East Court Avenue, Des Moines, Iowa.
2. Any person who intends to participate in the conference, but is not already a party to this proceeding, must file a motion to intervene by July 6, 2016.

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3. Procedures for remote participation in the scheduling conference will be described in a subsequent order to be issued prior to the conference.

**UTILITIES BOARD**

/s/ Geri D. Huser

ATTEST:

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/s/ Trisha M. Quijano  
Executive Secretary, Designee

/s/ Nick Wagner

Dated at Des Moines, Iowa, this 23<sup>rd</sup> day of June 2016.