

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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IN RE:  MIDAMERICAN ENERGY COMPANY	DOCKET NO. TF-99-94
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**ORDER SETTING PROCEDURAL SCHEDULE**

(Issued August 27, 1999)

On March 26, 1999, MidAmerican Energy Company (MidAmerican) filed with the Utilities Board (Board) a proposed electric interruptible replacement rider, identified as Docket No. TF-99-94. The proposed tariff would initially be implemented in the East system only, but MidAmerican said it intended to later extend the tariff to its entire system. MidAmerican said the proposed tariff fulfilled a commitment made in the settlement in Docket Nos. APP-96-1 and RPU-96-8 to develop an interruptible buy-through tariff.

The Consumer Advocate Division of the Department of Justice (Consumer Advocate) objected to the proposed tariff on April 23, 1999. Consumer Advocate argued interruptible rates provide discounts to customers willing to curtail electric usage during peak periods and that a tariff allowing an interruptible customer to purchase replacement power in effect nullifies the interruptible arrangement. The Board docketed the proposed tariff for investigation on April 23, 1999, but did not set a procedural schedule because Consumer Advocate and MidAmerican were

engaged in discovery and settlement negotiations. Consumer Advocate and MidAmerican filed a proposed settlement on May 17, 1999.

On May 13, 1999, the Iowa Industrial Intervenors (III) filed a petition to intervene. Ag Processing Inc. (Ag Processing) filed a petition to intervene on May 20, 1999. The Board granted the petitions to intervene by order issued June 25, 1999. The order also set a time frame for filing comments on the proposed settlement. All parties filed initial and/or reply comments.

The proposed settlement addressed the concerns initially raised by Consumer Advocate. However, III and Ag Processing argue the settlement is inadequate for a variety of reasons, including the proposed tariff's applicability to East zone customers only and non-compliance with the APP settlement. The Board will schedule a hearing on the proposed settlement to allow parties an opportunity to cross-examine any witnesses and respond to the Board's questions.

Because a procedural schedule has not previously been established, no party has had an opportunity to file testimony. The proposed settlement was filed prior to Ag Processing and III actively participating in the docket. Therefore, a procedural schedule will be established which will allow all parties an opportunity to file simultaneous initial and rebuttal testimony.

**IT IS THEREFORE ORDERED:**

1. The following procedural schedule is established in Docket No. TF-99-94:

a. All parties may file simultaneous prepared direct testimony, with underlying workpapers and exhibits, on or before September 24, 1999. If a party references a data request in its prepared testimony, the data request shall be filed as an exhibit.

b. All parties may file simultaneous rebuttal testimony on or before October 8, 1999.

c. The parties shall file a joint statement of the issues on or before October 15, 1999.

d. A hearing shall be held beginning at 10 a.m. on November 2, 1999, for the purpose of receiving testimony and the cross-examination of all testimony. The hearing shall be held in the Iowa Utilities Board's Hearing Room, 350 Maple Street, Des Moines, Iowa. The parties shall appear one-half hour prior to the time of the hearing for the purpose of marking exhibits. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Utilities Board at (515) 281-5256 in advance of the scheduled date to request that appropriate arrangements be made.

2. In the absence of objection, all underlying workpapers shall become a part of the evidentiary record of these proceedings at the time the related testimony and exhibits are entered into the record.

3. In the absence of objection, all data requests and responses referred to in oral testimony or on cross-examination which have not been previously filed shall become a part of the evidentiary record of these proceedings. The party making

reference to the data request shall file an original and six copies of the data request and response with the Board at the earliest possible time.

4. In the absence of objection, when the Board has called for further evidence on any issue and the evidence is filed after the close of the hearing, the evidentiary record will be reopened and the evidence will become part of the record five days after the evidence is filed with the Board. All evidence filed pursuant to this paragraph shall be filed no later than seven days after the close of the hearing in this proceeding.

**UTILITIES BOARD**

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Raymond K. Vawter, Jr.      /s/ Diane Munns  
Executive Secretary

Dated at Des Moines, Iowa, this 27<sup>th</sup> day of August, 1999.