

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: PEOPLES NATURAL GAS COMPANY, DIVISION OF UTILICORP UNITED INC.	DOCKET NO. WRU-01-7-225 (199 IAC 35.12(2))
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ORDER GRANTING WAIVER

(Issued March 21, 2001)

On February 13, 2001, Peoples Natural Gas Company, Division of UtiliCorp United Inc. (Peoples), filed an application requesting that the Utilities Board (Board) grant a limited waiver of the March 1, 2001, compliance filing deadline in 199 IAC 35.12(2). Peoples requests that the Board grant it until September 1, 2001, to file the energy efficiency costs proposed to be recovered in rates for the 12-month recovery period.

In support of its request, Peoples addresses the four factors required by 199 IAC 1.3 for waiving a Board rule. Peoples asserts that the filing of the information by the March 1, 2001, deadline requires Peoples to make a "short year" filing. This "short year" filing is unduly burdensome based upon the effort and expense of preparing the filing and the limited effect of the filing. Peoples states that there would be minimal impact on customers by allowing the existing energy efficiency factors to remain in effect until September 1, 2001.

Peoples suggests further that the waiver will not prejudice the substantial legal rights of any person. The purpose of the rule is to put current accurate energy efficiency cost recovery in rates for the subsequent 12-month recovery period.

Delaying the inclusion of current rate factors does not affect the substantial legal rights of any person.

Peoples asserts that subrule 199 IAC 35.12(2) is designed to implement Iowa Code § 476.1, 476.6, and 476.10A (2001). Peoples contends that the Board has broad discretion on the implementation of these statutes and the waiver does not violate any specific statutory provision.

The Board has considered the waiver request and the four factors required by 199 IAC 1.3. Based upon that review the Board finds that the four factors have been met for granting Peoples a waiver of the March 1, 2001, filing deadline. The Board will allow Peoples until September 1, 2001, to make the filing required by 199 IAC 35.12.

IT IS THEREFORE ORDERED:

Peoples Natural Gas Company, Division of UtiliCorp United Inc., is granted an extension from March 1, 2001, to September 1, 2001, to file the energy efficiency costs required in 199 IAC 35.12.

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Sharon Mayer
Acting Executive Secretary, Asst. to

/s/ Diane Munns

Dated at Des Moines, Iowa, this 21st day of March, 2001.