

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  APPLICATION OF OVERPAYMENTS TO LEVEL PAYMENT ACCOUNTS	DOCKET NO. RMU-01-9
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**ORDER TERMINATING RULE MAKING PROCEEDING**

(Issued December 13, 2001)

On September 6, 2001, the Utilities Board (Board) issued an order commencing a rule making to receive public comment on proposed changes to paragraphs 199 IAC 19.4 (11)"g" and 20.4(12)"g" to require that payments above the level payment agreed to by an electric or gas customer must be applied to the unpaid balance rather than to the current or future monthly payments. The Notice of Intended Action was published in the IAB Vol. XXIV, No. 7 (10/3/01) p. 491, as ARC 0992B. Written comments were filed on or before October 23, 2001, and a public hearing was held on November 20, 2001, at which oral comments were received. This proceeding has been identified as Docket No. RMU-01-9, In re: Application of Payments to Level Payment Accounts.

Pursuant to the authority of Iowa Code § 17A.4(1)"b" (2001), the Board will terminate the rule making. The Board finds that the concerns raised by the comments indicate that adoption of the proposed amendments might create additional unforeseen problems that would outweigh the benefit from the proposal.

**IT IS THEREFORE ORDERED:**

1. The rule making initiated in the Notice of Intended Action published in the IAB Vol. XXIV, No. 7 (10/3/01) p. 491, as ARC 0992B is terminated.
2. The Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin a notice form attached to and incorporated by reference in this order.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

Dated at Des Moines, Iowa, this 13<sup>th</sup> day of December, 2001.

## **UTILITIES DIVISION [199]**

### **Notice of Termination**

Pursuant to the authority of Iowa Code section 17A.4(1)"b," the Utilities Board (Board) gives notice that on December 13, 2001, the Board issued an order in Docket No. RMU-01-9, In re: Application of Overpayments to Level Payment Accounts, "Order Terminating Rule Making."

On September 6, 2001, the Board issued an order commencing a rule making to receive public comment concerning proposed amendments to 199 IAC 19.4(11)"g" and 20.4(12)"g." The Board proposed to amend these two paragraphs to require that overpayments made by electric and gas customers on level payment plans would be applied to the unpaid balance rather than to the current or future monthly payments. Notice of Intended Action was published in IAB Vol. XXIV, No. 7 (10/3/01) p. 491, as ARC 0992B. Written comments were filed on or before October 23, 2001, and a hearing to receive oral comments was held on November 20, 2001.

Pursuant to the authority of Iowa Code section 17A.4(1)"b" (2001), the Board will terminate the rule making. Comments concerning the proposed amendments questioned whether the amendments were necessary, whether the costs would outweigh any benefit from the rule, and suggested the amendments might violate federal law. The Board has determined that the rule making should be terminated

rather than adopted since many of the comments opposing the amendments were from those who the Board initially believed would benefit from the amendments and it appears the problems with the amendments outweigh the benefits.

December 13, 2001

/s/ Diane Munns

Diane Munns

Chairman