

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: MIDAMERICAN ENERGY COMPANY	DOCKET NO. DRU-02-1
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**ORDER GIVING NOTICE AND ESTABLISHING DATES FOR
INTERVENTION AND REPLIES**

(Issued January 17, 2002)

On January 11, 2002, MidAmerican Energy Company (MidAmerican) filed a petition with the Utilities Board (Board) requesting a declaratory order concerning MidAmerican's Gas Tariff No. 1, 3rd Revised Sheet No. 16 (Sheet No. 16), effective February 28, 2001, and Electric Tariff No. 1, 1st Revised Sheet No. 21 (Sheet No. 21), effective January 2, 1998. The petition has been identified as Docket No. DRU-02-1. The petition is filed pursuant to the provisions of Iowa Code § 17A.9 and Board rule 199 IAC 4.1. The specific fact situation on which MidAmerican is requesting the declaratory ruling involves a potential conflict between MidAmerican's Sheet No. 16 and Sheet No. 21 and 199 IAC 19.4(16)"a" and 20.4(16)"a."

The facts to be considered are:

- 1) A landlord has had service at a rental property and the landlord is delinquent in the payment of service from MidAmerican at that premise;

2) The premise currently does not have service or is disconnected for nonpayment shortly thereafter;

3) A tenant moves into the premise and requests service from MidAmerican;

4) MidAmerican refuses service to the tenant (applicant) based upon the outstanding debt of the landlord at that premise.

Gas tariff Sheet No. 16 and electric tariff Sheet No. 21 provide that MidAmerican may refuse or disconnect service with appropriate notice "if the premises has an outstanding debt and the person responsible for the outstanding debt owns, occupies, or receives the benefit of the service provided at that location."

Subparagraphs 199 IAC 19.4(16)"a" and 20.4(16)"a" contain identical provisions that provide:

19.4(16) *Insufficient reasons for denying service.* The following shall not constitute sufficient cause for refusal of service to a present or prospective customer:

a. Delinquency in payment for service by a previous occupant of the premises to be served.

The question raised by MidAmerican is the continued viability of its Board-approved tariff in light of the position taken by Board staff that the tariff must be amended to remove a perceived conflict with 199 IAC 19.4(16)"a" and 20.4(16)"a." MidAmerican states that it understands this question arises in the context of an applicant for service at a rental property being denied service because the landlord has a past-due debt at the premise. MidAmerican submits that the continued viability of tariff language in Sheet No. 16 and Sheet No. 21 should be affirmed.

Rule 199 IAC 4.2 provides that the Board shall, within five days after the filing of the petition, give notice to all persons not served by the petitioner to whom notice is required by law and may give notice to any other persons. MidAmerican gave notice to the Consumer Advocate Division of the Department of Justice when it filed the petition.

The Board finds that notice of this docket should be sent to the other rate-regulated gas and electric utilities, the Iowa Association of Municipal Utilities, the Iowa Association of Electric Cooperatives, and Legal Services Corporation of Iowa.

Iowa Code § 17A.9 requires that the Board take one of four actions within 30 days of the filing of the petition for declaratory ruling. Pursuant to the statute, the Board will set a schedule for intervention and the filing of responses to the petition.

Pursuant to Iowa Code § 17A.9, the petition is deemed denied if the Board does not issue a declaratory order within 60 days of the filing of the petition or a later time agreed to by the parties.

IT IS THEREFORE ORDERED:

1. A copy of this order shall be sent to Interstate Power and Light Company (f/k/a Interstate Power Company and IES Utilities Inc.), Peoples Natural Gas Company, Division of UtiliCorp United Inc., United Cities Gas Company, a division of Atmos Energy Corporation, Iowa Association of Electric Cooperatives, Iowa Association of Municipal Utilities, and Legal Services Corporation of Iowa.

2. MidAmerican states that it is not currently requesting a meeting as provided for by 199 IAC 4.7.

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3. Petitions to intervene shall be filed on or before January 25, 2002, and shall be in compliance with 199 IAC 4.3.3. Late filings may be allowed upon a showing of good cause. The petition should include all information that the person wishes the Board to consider concerning the questions raised by the petition for declaratory order.

4. Replies to the petitions to intervene shall be filed on or before February 1, 2002.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper _____
Executive Secretary

Dated at Des Moines, Iowa, this 17th day of January, 2002.