

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  UPDATE OF PIPELINE AND TRANSMISSION LINE RULES	DOCKET NO. RMU-02-2
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**ORDER COMMENCING RULE MAKING**

(Issued February 7 2002)

Pursuant to the authority of Iowa Code §§ 476.1, 476.2, 478.2, 479.5, 479.29, 479A.14, 479B.20, and 17A.4 (2001), the Utilities Board proposes to adopt the rules attached hereto and incorporated herein by reference in this order. These rules amend 199 IAC 10.2(1), 10.3(4)"a," 11.5(1)"a," 13.2(1). This proceeding has been identified as Docket No. RMU-02-2. The reasons for proposing these amendments are set forth in the attached notice of intended action.

**IT IS THEREFORE ORDERED:**

1. A rule making proceeding identified as Docket No. RMU-02-2 is commenced for the purpose of receiving comments on the proposed rules in the notice attached hereto and incorporated herein by reference in this order.

2. The Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin a notice in the 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

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Dated at Des Moines, Iowa, this 7<sup>th</sup> day of February, 2002.

## **UTILITIES DIVISION [199]**

### **Notice of Intended Action**

Pursuant to Iowa Code sections 476.1, 476.2, 478.2, 479.5, 479.29, 479A.14, 479B.20, and 17A.4 (2001), the Utilities Board (Board) gives notice that on February 7, 2002, the Board issued an order in Docket No. RMU-02-2, In re: Update Of Pipeline and Transmission Line Rules, "Order Commencing Rule Making." The Board is proposing to amend 199 IAC 10.2(1), 10.3(4)"a," 11.5(1)"a," and 13.2(1). The amendments to 10.2(1) and 13.2(1) will add the requirement of filing as Exhibit "I" the land restoration plan that must be filed if a company is proposing to construct a pipeline on agricultural land as defined in IAC 9.1(3).

Paragraph 199 IAC 10.3(4)"a" is being amended to bring the notice requirements for informational meetings prior to filing a petition for a permit to construct a natural gas pipeline into compliance with Iowa Code section 479.5. Paragraph 199 IAC 11.4(5)"a" is being amended to bring the notice requirements for informational meetings prior to the filing of a petition for a franchise to construct an electric transmission line into compliance with Iowa Code section 478.2.

Pursuant to Iowa Code sections 17A.4(1)"a" and "b," any interested person may file a written statement of position pertaining to the proposed amendments. The statement must be filed on or before March 26, 2002, by filing an original and ten copies in a form substantially complying with 199 IAC 2.2(2). All written statements

should clearly state the author's name and address and should make specific reference to this docket. All communications should be directed to the Executive Secretary, Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069.

No oral presentation is scheduled at this time. Pursuant to Iowa Code section 17A.4(1)"b," an oral presentation may be requested or the Board on its own motion after reviewing the statements may determine that an oral presentation should be scheduled.

These amendments are intended to implement Iowa Code sections 476.1, 476.2, 478.2, 479.5, 479.29, 479A.14, 479B.20, and 17A.4 (2001).

The following amendments are proposed.

Item 1. Amend subrule **10.2(1)** by adding a new paragraph "i" and renumbering the remaining paragraphs accordingly, as follows:

i. Exhibit "I." If pipeline construction on agricultural land as defined in subrule 9.1(3) is proposed, a land restoration plan shall be prepared and filed as provided in rule 9.2.

Item 2. Amend paragraph **10.3(4)"a"** as follows:

a. The notice shall set forth the name of the applicant; the applicant's principal place of business; the general description and purpose of the proposed project; the general nature of the right-of-way desired; the possibility that the right-of-way may be acquired by condemnation if approved by the board; a map showing the route of the proposed project; a description of the process used by the board in making a decision on whether to approve a permit including the right to take property by eminent domain; that the landowner has a right to be present at such meeting and to

file objections with the board; a designation of the time and place of the meeting;  
~~The meeting notice shall state the name of the prospective petitioner; state the address of the prospective petitioner's principal place of business; state the general description and purpose of the proposed project; state the general nature of the right-of-way desired; include a map showing the proposed route; advise that the affected party has the right to be present at the informational meeting and to file objections with the board; and contain the following statement: 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 the appropriate arrangements be made; and designate the date, time, and place of the meeting.~~

Item 3. Amend paragraph **11.5(1)"a"** as follows:

a. The notice shall set forth the name of the applicant; the applicant's principal place of business; the general description and purpose of the proposed project; the general nature of the right-of-way desired; the possibility that the right-of-way may be acquired by condemnation if approved by the utilities board; a map showing the route of the proposed project; a description of the process used by the board in making a decision on whether to approve a franchise or grant the right to take property by eminent domain; that the landowner has a right to be present at such meeting and to file objections with the board; and a designation of the time and place of the meeting; ~~The meeting notice shall set forth the name of the prospective petitioner; state the address of the prospective petitioner's principal place of business; state the general description and purpose of the proposed project; state~~

~~the general nature of the right-of-way desired; provide a map showing the route of the proposed project; advise that the affected party has the right to be present at the informational meeting and to file objections with the board; and~~ contain the following statement: 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 the appropriate arrangements be made; ~~and designate the place, date, and time of the informational meeting.~~

Item 4. Amend paragraph **13.2(1)"i"** and renumber the remaining paragraphs as follows:

*i.* Exhibit "I." If pipeline construction on agricultural land as defined in subrule 9.1(3) is proposed, a land restoration plan shall be prepared and filed as provided for in rule 9.2

February 7, 2002

/s/ Diane Munns  
Diane Munns  
Chairman