

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>PRINCIPAL LIFE INSURANCE COMPANY, f/k/a PRINCIPAL MUTUAL LIFE INSURANCE COMPANY,</p> <p style="text-align:center">Complainant,</p> <p>vs.</p> <p>MIDAMERICAN ENERGY COMPANY,</p> <p style="text-align:center">Respondent.</p>	<p>DOCKET NO. FCU-01-3</p>
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**ORDER GRANTING REQUEST FOR LEAVE TO
AMEND ANSWER**

(Issued March 5, 2002)

On February 15, 2002, MidAmerican Energy Company (MidAmerican) filed a request for leave to amend its answer to the complaint filed by Principal Life Insurance Company, f/k/a Principal Mutual Life Insurance Company (Principal) in this case. In its request, MidAmerican asked that it be allowed to modify its prayer for relief. Specifically, MidAmerican requested that the Utilities Board (Board) issue, as part of its order in this proceeding, an assessment, allocating and charging all the Board's expenses attributable to its duties in this proceeding and those of the Consumer Advocate Division of the Department of Justice (Consumer Advocate) to

Principal. MidAmerican requested that the Board grant its request for leave to amend "to permit the Board to issue an order assessing the costs of this proceeding to Principal pursuant to Iowa Code § 476.10."

The Board rule at 199 IAC 7.2(9) provides that amendments to pleadings may be allowed upon proper motion at any time during the pendency of the proceeding upon just and reasonable terms. Parties have 14 days in which to file a response to a motion. 199 IAC 7.7(11). Principal and the Consumer Advocate had until March 1, 2002 to file a response to the motion. Neither party filed a response.

Regardless of whether MidAmerican's prayer for relief is amended, the Board has the authority under Iowa Code § 476.10 (2001) (as amended by 2001 Iowa Acts, chapter 9, section 1), to allocate and directly charge expenses either to Principal, to MidAmerican, or to both, after considering the factors contained in the amended statute. Furthermore, the decision on whether and how to direct bill for its expenses and those certified to it by the Consumer Advocate is a decision reserved to the Board. The undersigned will not be making such a decision and it will not be included as a part of the proposed decision the undersigned will issue in this case. Nevertheless, the request to amend its answer filed by MidAmerican will be granted.

IT IS THEREFORE ORDERED:

1. MidAmerican's request for leave to amend its answer is hereby granted. The prayer for relief is modified as requested by MidAmerican.

2. MidAmerican's request that an assessment be issued as a part of the order in this proceeding is denied. The undersigned will issue a proposed decision that will not include such an assessment, and the Board will separately make the decision on who to directly assess.

UTILITIES BOARD

/s/ Amy L. Christensen
Amy L. Christensen
Administrative Law Judge

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 5th day of March, 2002.