

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  INTERSTATE POWER AND LIGHT COMPANY	DOCKET NOS. RPU-02-3 RPU-02-8
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**ORDER TAKING OFFICIAL NOTICE AND GRANTING INTERVENTION**

(Issued December 26, 2002)

On December 2, 2002, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) and Interstate Power and Light Company (IPL) filed with the Utilities Board (Board) a joint motion to take official notice. Consumer Advocate and IPL asked that official notice of the prefiled testimony and exhibits of IPL witness Seitz and Consumer Advocate witness Fuhrman in Docket No. EPB-02-150 and the cross and direct examination of the two witnesses be officially noticed by the Board in Docket Nos. RPU-02-3 and RPU-02-8.

The Iowa Department of Natural Resources (IDNR) filed a response on December 9, 2002. IDNR said that, pursuant to Iowa Code § 476.6(25)"a"(3), it has a statutory obligation to participate in the EPB dockets, which deal with the emissions plans and budgets of rate-regulated public utilities that own coal facilities to generate electricity. IDNR had no objection to the joint motion to take official notice if IDNR was allowed to intervene in Docket Nos. RPU-02-3 and RPU-02-8 with respect to any

issues that are common to both the emission plan and rate case dockets. No other responses to the joint motion to take official notice were filed.

IDNR filed a petition to intervene in Docket Nos. RPU-02-3 and RPU-02-8 on December 12, 2002. IDNR asked to intervene for the limited purpose of participating with regard to two issues, which also appear in the EPB docket: the appropriate depreciation schedules for the capital costs related to IPL's combustion initiative and whether combustion initiative expenses for M.L. Kapp Unit 2 for the period from April 1, 2002, through December 31, 2002, should be approved. IDNR said it intended to participate in the third phase of the rate case hearing scheduled for January 2003 for the limited purpose of cross-examination of witnesses on either or both issues only if another party raises the issues at that hearing. In addition, IDNR wants the opportunity to brief the two joint issues and, by being granted intervenor status, preserve its right to appeal a Board decision in the rate case on the joint issues.

Consumer Advocate filed a response on December 18, 2002, to IDNR's request for intervention. Consumer Advocate encouraged the Board to grant the request. No objections to the petition to intervene were filed.

The Board will grant the joint motion to take official notice and IDNR's request to intervene. The testimony in the EPB docket should assist the Board in addressing the joint issues in the rate case. IDNR's participation in the proceedings for the limited purposes stated in its petition to intervene will not delay the rate case

proceedings and will assist in developing the record and arguments with respect to the joint issues. IDNR has an interest in these proceedings that should be represented.

**IT IS THEREFORE ORDERED:**

1. The Utilities Board hereby takes official notice of the testimony, cross-examination, and exhibits described specifically in the body of this order.
2. The petition for limited intervention filed by the Iowa Department of Natural Resources on December 12, 2002, is granted.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Sharon Mayer  
Executive Secretary, Assistant to

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 26<sup>th</sup> day of December, 2002.