

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  INTERSTATE POWER AND LIGHT COMPANY	DOCKET NO. P-848
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**ORDER ESTABLISHING PROCEDURAL SCHEDULE AND PROPOSING TO  
TAKE OFFICIAL NOTICE AND NOTICE OF HEARING**

(Issued April 25, 2003)

On December 13, 2002, Interstate Power and Light Company (IPL) filed a petition and exhibits for a permit to construct, operate, and maintain a natural gas pipeline approximately 13 miles long in Cerro Gordo and Hancock Counties, Iowa. The proposed 20-inch diameter pipeline will transport natural gas from a connecting point between existing Northern Natural Gas Company pipelines and existing Northern Border Pipeline Company pipelines in Hancock County west of Ventura, Iowa, to IPL's proposed Power Iowa Energy Center (PIEC), currently under construction in Cerro Gordo County south of Mason City, Iowa. IPL filed amendments to its petition and exhibits on February 28, March 10, and April 7, 2003. In the petition, the proposed pipeline is referred to as the Power Iowa Energy Center Lateral.

On April 22, 2003, the Utilities Board (Board) assigned this proceeding to a presiding officer and directed that a procedural schedule be established and a date set for hearing.

### **THE BOARD'S AUTHORITY AND JURISDICTION**

The Board has authority to grant permits for pipelines in whole or in part upon terms, conditions, and restrictions as to safety requirements, and as to location and route, as it determines to be just and proper. Iowa Code §§ 479.12 and 479.18 (2003).

To obtain a permit, the petitioner must show that the services it proposes to render will promote the public convenience and necessity. Iowa Code § 479.12. The petitioner must also satisfy the financial requirements of Iowa Code § 479.26.

### **THE ISSUES**

Pursuant to Iowa Code §§ 479.7 and 479.8 and 199 IAC 10.6, this matter will be set for a public hearing for the presentation of oral and documentary evidence and the cross-examination of witnesses concerning the public convenience and necessity issue, any safety issues, any pipeline location and route issues, the financial issues, land restoration plan issues, and issues raised by objectors or any other party. The conduct of this case is governed by Iowa Code Chapters 17A and 479, and § 476.27, and by Board rules at 199 IAC Chapter 10.

### **PREPARED TESTIMONY AND EXHIBITS**

All parties will be given the opportunity to present and respond to evidence and argument on all issues, and to be represented by counsel at their own expense. Iowa Code § 17A.12(4). The proposed decision and order that the administrative law judge will issue in this case must be based on evidence contained in the record and

on matters officially noticed in the record. Iowa Code § 17A.12(8). Unless contrary arrangements are made on the record at the hearing, all evidence will be received at the hearing, and the record will be closed to any further evidence at the conclusion of the hearing.

The submission of prepared evidence prior to hearing will help to identify disputed issues of fact to be addressed at the hearing. Prepared testimony contains all statements that a witness intends to give under oath at the hearing, set forth in question and answer form. When a witness who has submitted prepared testimony takes the stand, the witness does not ordinarily repeat the written testimony or give a substantial amount of new testimony. Instead, the witness is cross-examined by the other parties concerning the statements already made in writing. The use of prepared testimony prevents surprise at the hearing and helps each party to prepare adequately for the hearing, so that a full and true disclosure of the facts can be obtained. Iowa Code §§ 17A.14(1), 17A.14(3) and 479.11. This procedure also tends to diminish the length of the hearing, and spares the parties the expense and inconvenience of additional hearings.

IPL must submit prepared testimony and exhibits in accordance with the procedural schedule set forth in this order. At a minimum, IPL's prepared testimony must address the issues listed above. There is a notice of no objection from the U.S. Fish and Wildlife Service enclosed with IPL's April 7, 2003, filing. It appears that page two of the letter from the Fish and Wildlife Service is missing, and IPL must file it with its prepared testimony.

The Consumer Advocate Division of the Department of Justice (Consumer Advocate) and any objectors may also file prepared testimony and exhibits before the hearing in accordance with the procedural schedule.

Parties other than IPL who choose not to file prepared testimony and exhibits before the hearing will not be precluded from participating in the proceedings. If an objector, for example, does not intend to present evidence going substantially beyond the information contained in the letter of objection, it is unnecessary for the objector to file prepared testimony. However, when a party has a substantial amount of information to present to the Board about the petition, if the information has not been previously disclosed to the Board, it should be presented in the form of prepared testimony and exhibits according to the procedural schedule established below.

### **PARTY STATUS**

IPL and the Consumer Advocate are currently the only parties to this proceeding. Iowa Code §§ 17A.2(8) and 475A.2(2). No one has filed an objection to the petition as of the date of this order. IPL does not request the right of eminent domain for this pipeline.

Anyone who has filed or will file an objection pursuant to Iowa Code §§ 479.9 and 479.10 and 199 IAC 10.5 will also be presumed to be a party to this case. However, no objector is entitled to party status merely because that person has written a letter of objection. In order to qualify as a party, the objector must be able to demonstrate some right or interest that may be affected by the granting of the permit.

Iowa Code § 479.9. An objector's status as a party may be challenged at the hearing, and an objector who cannot demonstrate a right or interest that may be affected by the granting of the permit will no longer be considered a party. Therefore, at a minimum, objectors should be prepared to give evidence that will explain the nature of their specific rights or interests they believe should be protected, and will show how these rights or interests will be affected by the pipeline. As has already been noted, to the extent that the evidence goes substantially beyond information already communicated to the Board in an objection letter, it should be reduced to writing and filed as prepared testimony according to the procedural schedule established below.

Because objectors will be presumed to be parties up to the time of the hearing, an objector will receive copies of all documents that are filed in this docket after the letter of objection has been filed with the Board. This means that if a person files an objection after some or all of the prepared testimony and exhibits has been filed with the Board by other parties, the objector should make direct contact with the parties who have already filed prepared testimony and exhibits in order to obtain a copy of those materials. The official file of this case will be available for inspection at the Utilities Board Record Center, 350 Maple Street, Des Moines, Iowa. 199 IAC 1.9(1).

Objections must be filed no less than five days prior to the date of hearing. Late-filed objections may be permitted if good cause is shown. 199 IAC 10.5. Objections must be made in writing and filed with the Executive Secretary of the Board, 350 Maple Street, Des Moines, Iowa 50319-0069.

After an objector has filed a letter of objection, all further communications from the objector to the Board having to do with this case (including motions or prepared testimony and exhibits) should be sent to the Executive Secretary of the Board. A party (including objectors) must file an original and two copies of each communication with the Executive Secretary and the party must send one copy to each of the other parties to this case. 199 IAC 1.8. Along with the communication being sent, the party must file with the Board a certificate of service that conforms to 199 IAC 2.2(16), which verifies a copy of the document was served upon the other parties.

These procedures are necessary to comply with Iowa Code § 17A.17, which prohibits ex parte communication. Ex parte communication is when one party in a contested case communicates with the judge without the other parties being given the opportunity to be present. In order to be prohibited, the communication must be about the facts or law in the case. Calls to the Board to ask about procedure or the status of the case are not ex parte communication. Ex parte communication may be oral or written. This means the parties in this case may not communicate about the facts or law in this case with the undersigned administrative law judge unless the other parties are given the opportunity to be present, or unless the other parties are provided with a copy of the written documents filed with the Board.

The parties should examine 199 IAC Chapter 10 and 199 IAC 1.8 for other substantive and procedural rules that apply to this case. There is a link to the administrative rules on the Board's website at [www.state.ia.us/iub](http://www.state.ia.us/iub).

**PROPOSAL TO TAKE OFFICIAL NOTICE**

Mr. Jeffrey O'Neal, regulatory engineer for the Board's Safety & Engineering Section, has prepared two reports in the form of memos dated March 13, 2003, and April 16, 2003, concerning IPL's petition. Iowa Code § 479.11. Copies of the memos are attached to this order. Pursuant to Iowa Code § 17A.14(4), the undersigned administrative law judge proposes to take official notice of the memos and of the facts contained therein, thus making them a part of the record of this case. Iowa Code § 17A.12(6)(c). Any party objecting to the taking of official notice of the memos must file such objection as soon as possible, and no later than five days prior to the hearing. The parties will have the opportunity to contest any information contained in the memo in prepared testimony and at the hearing. Mr. O'Neal will be present at the hearing and available for cross-examination regarding his memos.

**IT IS THEREFORE ORDERED:**

1. Each person who files a letter of objection to IPL's petition in this docket will be presumed to be a party in the proceeding unless it is established at hearing that the objector has no right or interest that may be affected by the pipeline.
2. Objections must be made in writing and filed with the Executive Secretary of the Board, 350 Maple Street, Des Moines, Iowa 50319-0069, no later than five days before the hearing. Objectors must file an original and two copies of all subsequent communications to the Board with the Executive Secretary. The communications must be accompanied by a certificate of service as discussed in this order.

3. The following procedural schedule is established:
  - a. On or before May 12, 2003, IPL must file prepared direct testimony relating to its petition for a permit to construct, operate, and maintain a natural gas pipeline, as discussed in this order.
  - b. If the Consumer Advocate or any objector chooses to file prepared responsive testimony, it must do so on or before May 27, 2003.
  - c. A public hearing for the presentation of evidence and the cross-examination of witnesses concerning the issues identified in this notice of hearing will be held beginning at 11 a.m. on Wednesday, June 11, 2003, in Salon IV at the Holiday Inn, 2101 4<sup>th</sup> Street SW, Mason City, Iowa 50401. Each party must provide a copy of its prefiled testimony to the court reporter at the hearing. Any person who wishes to be connected to the hearing by telephone conference call must notify the undersigned and provide the telephone number at which the person may be reached to the undersigned no later than June 9, 2003. If it is needed, the undersigned will initiate the telephone conference call from the hearing. Persons with disabilities who will require assistive services or devices to observe this hearing or participate in it should contact the Board at (515) 281-5256 no later than June 5, 2003, to request that appropriate arrangements be made.
  - d. Required number of copies. All parties must file an original and two copies of all documents filed with the Board. 199 IAC 1.8(4)"d".

4. The undersigned administrative law judge proposes to take official notice of Mr. O'Neal's memos dated March 13 and April 16, 2003, that are attached to this order, and of the facts contained therein. Any party objecting to the taking of official notice of the memos should file such objection as soon as possible, and must file such objection no later than five days prior to the hearing. Any party desiring to cross-examine Mr. O'Neal concerning the statements in his memos should file a notice of intent to cross-examine no later than five days prior to the hearing.

5. Pursuant to Iowa Code §§ 17A.12(1) and 199 IAC 10.4, a copy of this order will be served by ordinary mail upon IPL and the Consumer Advocate. No persons have filed objections to the petition as of the date of this order.

6. IPL must work with Board staff regarding publication of notice pursuant to Iowa Code § 479.7 and 199 IAC 10.4, and must file proof of publication prior to or at the hearing.

**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 25<sup>th</sup> day of April, 2003.

**Department of Commerce  
UTILITIES DIVISION  
SAFETY & ENGINEERING SECTION**

**TO:** File P-848

**FROM:** Jeffrey L. O'Neal

**DATE:** March 13, 2003

**SUBJECT:** Inspection of Route of Proposed Interstate Power and Light Pipeline in Hancock and Cerro Gordo Counties

On February 27, 2003, I examined the route of the proposed 13-mile Interstate Power and Light Company (IP&L) 20-inch natural gas pipeline in Hancock and Cerro Gordo Counties, Iowa. The weather was sunny, with temperatures in the 30s. There was no significant snow cover, just a few isolated patches of snow on the ground.

The route map filed as Exhibit B was used as a guide. The proposed route was marked with survey stakes, making it easy to identify its precise location.

I began at the west end of the route, at the tie-in with the Northern Border Pipeline and Northern Natural Gas Company pipelines in Hancock County, and followed the route to the east to its ending point at IP&L's Power Iowa Energy Center, which was under construction in Cerro Gordo County.

The route begins at a tie-in with existing Northern Border Pipeline and Northern Natural Gas Company facilities inside a fenced metering station on the north side of 240<sup>th</sup> Street in rural Hancock County. There is also a fenced Northern Border facility on the south side of the road here. There is a farmstead with two residences plus some outbuildings on 240<sup>th</sup> Street about 0.15 miles east of the proposed route. (Distances listed in this report as fractions of a mile were measured using my car odometer.) The route crosses 240<sup>th</sup> Street (a paved road) and continues southeast across agricultural land, paralleling the route of two existing Northern Border natural gas pipelines (a 30-inch line and a 36-inch line). It crosses Yale Avenue (a paved road) about 0.1 miles south of a house on Yale Avenue, then continues southeast through agricultural land, still paralleling the Northern Border Pipelines. Approximately one-half mile south of the crossing of Yale Avenue, on the west side of the road, is Northern Natural Gas Company's Ventura LNG Plant.

Near the south line of Section 25, T-96N, R-23W, the proposed route turns east, away from the Northern Border pipelines, paralleling an existing 69 KV electric

transmission line. Where the pipeline route and this electric line are running parallel to each other, the pipeline route appears to be 100 yards or more north of the electric line. The proposed pipeline route parallels the electric transmission line for about 1.5 miles, crossing Apple Avenue (a dirt road) and Balsam Avenue (a paved county road), until the electric line turns north at the intersection of 230<sup>th</sup> Street and Balsam Avenue, while the pipeline continues east beyond Balsam Avenue. Also between Apple Avenue and Balsam Avenue, the route passes behind a house on the north side of 230<sup>th</sup> Street. The distance from the pipeline route to the house was difficult to judge; it may have been less than 100 yards, but appeared to be more than 100 feet.

The route continues east across Balsam Avenue (a paved road). There is a house at the intersection of Balsam Avenue and 230<sup>th</sup> Street, a little over 0.1 miles south of the pipeline route.

About 0.25 miles east of Balsam Avenue, the pipeline route turns south and crosses 230<sup>th</sup> Street. There is a house on 230<sup>th</sup> Street about 0.15 miles east of the pipeline crossing. There are more than 20 wind generators here south of 230<sup>th</sup> Street. After crossing 230<sup>th</sup> Street, the pipeline route turns east again toward Cardinal Avenue.

At the crossing of Cardinal Avenue, there is a house about 0.1 miles north of the pipeline route, and another house about 0.2 miles south of the pipeline route. A number of wind generators are visible to the southwest and west of this road crossing.

The route continues east toward Dove Avenue. Between Cardinal Avenue and Dove Avenue, there are survey markers in a farm field just north of the fence line that runs along the north edge of Bluewing Marsh, in Section 33, T-96N, R22W. Exhibits B and Exhibit B-1 are consistent with what I observed in the area near Bluewing Marsh.

At the crossing of Dove Avenue, there is a house about 0.1 to 0.15 miles south of the pipeline. Between Dove Avenue and Finch Avenue, the route continues east, running north of and parallel to 225<sup>th</sup> Street. North of 225<sup>th</sup> Street, in Section 35, T-96N, R-22W, the route crosses a fairly deep drainage ditch. Also north of 225<sup>th</sup> Street, in Section 35, T-96N, R-22W, toward the intersection with Finch Avenue, a house sits well away from the road, with the pipeline running between the road and the house. It was difficult to estimate the distance from the house to the pipeline; it may have been less than 100 yards, but appeared to be more than 100 feet.

Between Finch Avenue and Fir Avenue is the sole parcel for which IP&L is requesting eminent domain. The route runs east, then southeast, through this parcel. This parcel contains a corn crib, a grain bin, and some other farm buildings, but no house. The buildings are shown on Exhibit H, Attachment 2 (revised version, by letter dated February 24, 2003.) There is a driveway from the

road to the buildings, and the rest of the parcel is agricultural land that appears to have been in row crop production last year. No problems were noted with the proposed route across this parcel.

The route continues east from Fir Avenue to Iowa Highway 107 (Grouse Avenue). On the west side of Highway 107, the pipeline route crosses 3 existing pipelines, owned by Koch and Williams, plus 2 abandoned pipelines that are now being used as conduits for fiber optic communications cables. At the crossing of Highway 107, there is a house about 0.1 miles south of the pipeline route.

Between Highway 107 and Interstate Highway 35, the route runs east through the middle of Sections 31 and 32, T-96N, R-21W, a half-mile from the roads, through rolling terrain. I was not able to observe some of this portion of the route from the surrounding roads.

The route crosses Interstate Highway 35 near the south ends of on and off ramps for US Highway 18, and continues east to Indigo Avenue. Just east of I-35, at the crossing of Indigo Avenue, there is a house about 75 yards south of the pipeline route. There are also two houses on Indigo Avenue about 0.2 miles north of the pipeline route (one on each side of Indigo Avenue).

The route continues east from Indigo Avenue to Jonquil Avenue. At the crossing of Jonquil Avenue, there are no buildings anywhere near the pipeline route.

The route continues east to Killdeer Avenue. At the crossing of Killdeer Avenue, there is a house about 0.1 miles south of the pipeline route. This is the last road crossing on the route. About 0.25 miles east of this road crossing the route enters IP&L property where the Power Iowa Energy Center was under construction at the time of the inspection

The entire route is through flat to gently rolling agricultural land. As far as I could see from the road crossings, it appeared that all of the land was in row crop production last year.

### **Summary and Conclusions**

No problems were noted with the proposed route. No conflicts with safety standards were found.

No significant impediments to pipeline construction were found. The entire route is through flat to gently rolling agricultural land. The route crosses Interstate Highway 35, one state highway, three paved county roads, and nine gravel or dirt roads. It crosses some small streams and one fairly deep drainage ditch. It also crosses 3 liquids pipelines, owned by Koch Pipeline Company and Williams

Pipeline Company, plus two abandoned pipelines now used as conduits for fiber optic communications cables, all near the west side of Highway 107.

The entire route is in a Class 1 location as defined by Federal Minimum Safety Standards in 49 CFR Part 192. Class 1 is the lowest population density classification. (See § 192.5 for definitions of class locations.)

Exhibit B accurately shows the location of the proposed route as indicated by the survey markers along the route.

No problems were noted with the proposed route across the eminent domain parcel, located in Section 36, T-96N, R-22W, Cerro Gordo County.

There were several houses about 0.1 to 0.2 miles from the pipeline, and three that may have been less than 100 yards from the pipeline, but none appeared to be less than 100 feet from the pipeline. (There are no code compliance issues at any of these locations. This information is provided only for informational purposes.)

A 69 KV electric transmission line runs parallel to the pipeline route for a distance of about 1.5 miles, toward the western end of the route in Section 25, T-96N, R-23W; and Sections 30 and 29, T-96N, R-22W. Where the pipeline route and this electric line are running parallel to each other, the pipeline route appears to be 100 yards or more north of the electric line. There were other high voltage power lines in the general area, but no others that paralleled the pipeline anywhere near it.

**Department of Commerce  
UTILITIES DIVISION  
SAFETY & ENGINEERING SECTION**

**TO: Docket No. P-848**

**FROM: Jeffrey L. O'Neal**

**DATE: April 16, 2003**

**SUBJ: Staff Review of Interstate Power and Light Company Petition for Pipeline Permit for 13 Miles of 20-inch Diameter Natural Gas Pipeline in Cerro Gordo and Hancock Counties, Iowa.**

On July 16, 2002, Interstate Power and Light Company (IP&L) held informational meetings, as required by Iowa Code § 479.5, in Mason City and Garner, Iowa, for a proposed natural gas transmission pipeline in Cerro Gordo and Hancock Counties, Iowa. On December 13, 2002, IP&L filed a petition for pipeline permit for this project with the Utilities Board (Board). By letters dated February 10, 2003, March 3, 2003, and March 18, 2003, Board staff advised IP&L of petition deficiencies requiring correction, and requested additional information on certain items. By letters dated February 24, 2003, March 7, 2003, and April 4, 2003, IP&L filed revisions to the petition and exhibits and provided additional information. On February 27, 2003, I conducted a field examination of the proposed route. I filed a report regarding the route inspection on March 13, 2003.

The proposed pipeline would take natural gas from a connecting point between Northern Natural Gas Company pipelines and Northern Border Pipeline Company pipelines in Hancock County west of Ventura, Iowa, then run in a generally easterly direction to IP&L's proposed Power Iowa Energy Center (PIEC) in Cerro Gordo County south of Mason City, Iowa. PIEC will be a gas-fired electric generation facility. In addition, the pipeline could provide an additional source of gas for the distribution systems in Clear Lake and Mason City. In the near future IP&L plans to extend the pipeline to provide natural gas to a planned ethanol plant to be built approximately 4 miles northeast of the IPEC and to the distribution system in Mason City, Iowa. The proposed pipeline would be 20 inches in diameter, 13 miles long, and would have a maximum allowable operating pressure of 1050 psig.

## Route

The route of the proposed pipeline was examined on February 27, 2003. See Jeffrey O'Neal report dated March 13, 2003. The summary and conclusions from the report are as follows:

No problems were noted with the proposed route. No conflicts with safety standards were found.

No significant impediments to pipeline construction were found. The entire route is through flat to gently rolling agricultural land. The route crosses Interstate Highway 35, one state highway, three paved county roads, and nine gravel or dirt roads. It crosses some small streams and one fairly deep drainage ditch. It also crosses 3 liquids pipelines, owned by Koch Pipeline Company and Williams Pipeline Company, plus two abandoned pipelines now used as conduits for fiber optic communications cables, all near the west side of Highway 107.

The entire route is in a Class 1 location as defined by Federal Minimum Safety Standards in 49 CFR Part 192. Class 1 is the lowest population density classification. (See § 192.5 for definitions of class locations.)

Exhibit B accurately shows the location of the proposed route as indicated by the survey markers along the route.

No problems were noted with the proposed route across the eminent domain parcel, located in Section 36, T-96N, R-22W, Cerro Gordo County.

There were several houses about 0.1 to 0.2 miles from the pipeline, and three that may have been less than 100 yards from the pipeline, but none appeared to be less than 100 feet from the pipeline. (There are no code compliance issues at any of these locations. This information is provided only for informational purposes.)

A 69 kV electric transmission line runs parallel to the pipeline route for a distance of about 1.5 miles, toward the western end of the route in Section 25, T-96N, R-23W; and Sections 30 and 29, T-96N, R-22W. Where the pipeline route and this electric line are running parallel to each other, the pipeline route appears to be 100 yards or more north of the electric line. There were other high voltage power lines in the general area, but no others that paralleled the pipeline anywhere near it.

With the exception of road crossings, the route is entirely on private right-of-way.

In its filing dated April 4, 2003, IP&L withdrew its request for eminent domain across a parcel in Section 36, T-96N, R-22W, Cerro Gordo County, and modified the route across this parcel. The revised route passes near the south end of a corn crib on this property. In revised Exhibit F, IP&L states it has purchased the corn crib and will be removing it.

The proposed route does not appear impractical or unreasonable and construction should not be difficult.

### **Petition**

In addition to an Exhibit B map of the pipeline route, IP&L also filed an Exhibit B-1 showing wetlands just south of the route, and an Exhibit B-2 showing wildlife management areas near Clear Lake, north of the pipeline route. The filing shows the pipeline will not pass through any wetlands or wildlife management areas, and this is consistent with the field review of the proposed route.

Natural gas pipelines must comply with the federal pipeline safety standards of 49 CFR Part 192, which have been adopted by the Board in 199 IAC 10.12(1)"b". Although the proposed route is in a Class 1 (rural) location, IP&L plans to construct and test the pipeline to more stringent Class 3 (urban) location standards. With the possible exception of a short length of pipe within the takeoff station, IP&L plans to use PSL 2 pipe, which is more resistant to rupture than the alternative PSL 1 pipe. (Both PSL 1 pipe PSL 2 pipe comply with the safety standards.)

The proposed pipeline will be tied to two pipeline suppliers, Northern Border Pipeline (NB) and Northern Natural Gas Company (NNG). IP&L's pipeline will connect to these pipelines at an existing interconnect between NB and NNG. IP&L states the MAOP of the NNG pipeline that will feed the new IP&L pipeline is 1440 psig, and the MAOP of the NB pipeline that will feed the new pipeline is 1435 psig. IP&L originally planned to take pipeline pressure from another NB pipeline at this location that operates at 1050 psig, and IP&L designed the MAOP of the proposed pipeline to match this pressure. IP&L has since been informed by NB that the tap will actually be on NB's 1435 psig pipeline. In its filing dated April 4, 2003, IP&L supplied new information about a short section of pipe IP&L will need to construct within the takeoff station, where they will take delivery of gas from NB at up to 1435 psig, and from NNG at up to 1440 psig, then cut the pressure to 1050 psig for transmission through their proposed pipeline. It is not uncommon for a pipeline to include a short section of pipe operating at a higher MAOP than the rest of the pipeline, feeding a regulator station at the upstream end of a pipeline. IP&L has filed sufficient information about this section of pipe to demonstrate that it will comply with the design, construction, and testing requirements of the Iowa Utilities Board.

For approximately 1.5 miles this pipeline would parallel a 69 kV electric transmission line. In a letter dated February 24, 2003, and in a report by EN Engineering submitted with a letter dated March 10, 2003, IP&L addresses corrosion control design and the design, construction, operation and maintenance implications of the electric transmission line running parallel to the pipeline. The EN Engineering report found moderately to mildly corrosive soil resistivity levels along the pipeline route, and concludes that other than the application of cathodic protection and the use of a compatible coating on the pipe, no special design, construction, operation or maintenance considerations will be required. IP&L states minimum horizontal separation between the pipeline and electric line will be approximately 300 feet, where the pipeline and electric transmission line are running parallel to each other. This is also consistent with the field review of the route. IP&L has determined the distance between the towers and the pipeline is well beyond the minimum distance required to avoid arcing during a faulted tower situation. In addition, IP&L has calculated that the highest induced AC is estimated to be well below the level considered to be hazardous to personnel safety. The EN Engineering report concludes that other than the protection of isolation flanges, the use of "dead-front" test stations through this area, and the use of proper construction practices when working beneath or along AC power lines, no special precautions will be required due to the proximity of the electric transmission line. Therefore it appears IP&L has adequately reviewed the possible effects of the electric transmission line on the pipeline, and plans to take appropriate actions.

In addition to the proposed gas pipeline, IP&L plans to construct two water pipelines between PIEC and the Clear Lake Waste Water Treatment Plant. One water line will carry treated water from the wastewater treatment plant to PIEC to be used for cooling. The other water line will carry used cooling water from PIEC to the Clear Lake Water Treatment Plant for treatment. The water lines are to be installed parallel to the gas pipeline for approximately the eastern half of the proposed route. IP&L intends to install the water lines in a common trench with the gas pipeline. Exhibit F Attachment 1 is a drawing showing the placement of the pipelines within a common trench. Exhibit F Attachment 2 shows how the water pipelines would be located in a parallel but separate trench if circumstances prevent the use of a common trench. These water pipelines are not under the jurisdiction of the Board.

No Exhibit E was filed with the petition. In a letter dated February 24, 2003, IP&L stated it does not plan to cross any roads at other than an approximate right angle. Therefore, no Exhibit E is required. In its filing dated April 4, 2003, IP&L included a copy of a road crossing permit for Hancock County. The petitioner is not required to file such permits with the Board in cases such as this, where there will be no road crossings at other than an approximate right angle.

The proposed route is on agricultural land. As a result of negotiations between IP&L and many of the landowners along the route, IP&L's Agricultural Land Restoration Plan includes the following construction standards that go beyond the requirements of IAC Chapters 9 and 10.

- The pipeline will have six feet of soil cover. A minimum of four feet of cover is required in tilled agricultural land, under 199 IAC 10.12(3). A minimum of 30 inches of cover is required under safety standards in 49 CFR Part 192.
- Drain tile will be installed parallel to the pipeline as needed to mitigate drainage problems where agreed upon by the landowner.
- Drain tile will be installed by wheeling instead of plowing.
- IP&L will record GPS coordinates of permanent tile repairs.

In a letter dated February 24, 2003, IP&L states the provisions in the Agricultural Land Restoration Plan will apply to the water lines as well as the natural gas line, regardless of whether they are in a common trench or in separate trenches. IP&L's Agricultural Land Restoration Plan appears to be in substantial compliance with the applicable provisions of 199 IAC Chapter 9.

In its initial filing, IP&L requested eminent domain for one tract of land, but in its filing dated April 4, 2003, IP&L withdrew its request for eminent domain, and modified the route slightly on the tract where it had previously requested eminent domain.

No objections have been filed as of the date of this report.

### **Conclusions**

I have reviewed the petition and exhibits in this docket. It appears from the information presented that the proposed pipeline would comply with all design, construction, and testing requirements of the Iowa Utilities Board. The filing appears in sufficient order that the petition can be set for hearing.