

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: FREEBORN MOWER COOPERATIVE SERVICES	DOCKET NO. WRU-03-64-976
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ORDER GRANTING REQUEST FOR WAIVER AND REQUIRING FILING

(Issued November 17, 2003)

On October 17, 2003, Freeborn Mower Cooperative Services (Freeborn) filed with the Utilities Board (Board) a request for waiver of 199 IAC 20.18(8), which applies to electric utilities with fewer than 50,000 customers. Rule 20.18(8) requires those electric utilities to maintain, among other things, certain outage information and to adopt and file a reliability plan. No objections to the request for waiver were filed.

In support of its request, Freeborn stated that it primarily does business in the state of Minnesota and that it has only seven accounts in Iowa. Freeborn argued that complying with the Iowa rules would impose an unreasonable burden on its members.

Based on the information provided by Freeborn, application of the rules would pose an undue hardship on Freeborn without any substantial corresponding benefit. The small number of customers in Iowa makes the data maintenance and reporting requirements burdensome. The standards contained in 199 IAC 1.3 have been met, and the Board will grant the waiver, subject to the condition discussed below.

Other cooperatives primarily serving Minnesota customers that have requested a similar waiver have offered to file with the Board reliability information required by Minnesota statutes and rules. The information required by Minnesota contains much of the same information required by the Board's rules. The information also includes the Iowa consumers. The Board in its orders granting waivers has required these cooperatives to file with the Board on an ongoing basis any reliability information required to be filed by the state of Minnesota. See, Federated Rural Electric, "Order Granting Request for Waiver," Docket No. WRU-03-53-975 (9/19/03). The Board will require Freeborn, as a condition to the grant of the waiver, to file any reliability information it is required to file in Minnesota.

The Board notes that Freeborn requested a "permanent" waiver of the rules. Because facts and circumstances may change, the Board does not grant "permanent" waivers. The waiver will remain in effect until there is a change in circumstances that results in the waiver being reexamined by the Board.

IT IS THEREFORE ORDERED:

1. The request for waiver of 199 IAC 20.18(8) filed by Freeborn Mower Cooperative Services on October 17, 2003, is granted to the extent discussed in this order.

2. Freeborn shall promptly file with the Board on an ongoing basis any reliability information required to be filed by the state of Minnesota.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 17th day of November, 2003.