

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: CASS ELECTRIC COOPERATIVE	DOCKET NO. WRU-03-73-911
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ORDER GRANTING REQUEST FOR WAIVER

(Issued January 16, 2004)

On December 22, 2003, Cass Electric Cooperative (Cass) filed with the Utilities Board (Board) a request for waiver of 199 IAC 20.18(8). This rule requires electric utilities with fewer than 50,000 Iowa customers 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, Cass states that it purchases wholesale power from the City of Webster City and contracts with the City of Webster City for various emergency and maintenance functions. Cass serves fewer than 100 customers and has no employees or offices. All five board members and the secretary of Cass are members of the cooperative and one board member performs the meter reading function each month. Cass also contracts for the inspection and the necessary upgrade of approximately 13 percent of its electric lines each year.

Cass argues that compliance with the reliability monitoring and reporting requirements would require it to increase administrative staff at considerable expense without any evidence that the health, safety, and welfare of its members would be better served. Cass also notes that 199 IAC 20.18(3)"g" specifically provides that

any electric utility unable to comply with applicable provisions of 199 IAC 20.18 may file a waiver request pursuant to 199 IAC 1.3.

Based on the information provided by Cass, application of the rules would pose an undue hardship on Cass without any substantial corresponding benefit. Cass's small size makes the data maintenance and reporting requirements burdensome, particularly because Cass does not have any employees. The standards contained in 199 IAC 1.3 have been met, and the Board will grant the waiver.

The Board notes that Cass requested a "permanent" waiver of the rules. Because facts and circumstances may change, the Board does not generally 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:

The request for waiver of 20.18(8) filed by Cass Electric Cooperative on December 22, 2003, is granted, to the extent discussed in this order.

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 16th day of January, 2004.