

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>MIDWEST RENEWABLE ENERGY PROJECTS LLC,</p> <p style="padding-left: 100px;">Petitioner,</p> <p style="padding-left: 40px;">v.</p> <p>INTERSTATE POWER AND LIGHT COMPANY,</p> <p style="padding-left: 100px;">Respondent.</p>	<p>DOCKET NO. AEP-05-1</p>
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ORDER ASSIGNING MOTIONS TO PRESIDING OFFICER

(Issued February 25, 2005)

On January 12, 2005, Midwest Renewable Energy Projects LLC (Midwest Renewable) filed with the Utilities Board (Board), pursuant to 199 IAC 15.4 and 15.5, a petition to determine specific rates to be paid by Interstate Power and Light Company (IPL) for purchases of qualifying energy and/or capacity for a certain qualifying small power production facility. The petition also asked that the Board order IPL to purchase such energy and/or capacity from the facility pursuant to a long-term agreement that may, but need not, convey to IPL any emission credits, alternate energy credits, or similar tradable certificates.

The Board initially assigned this proceeding to an administrative law judge. However, in its "Order Setting Procedural Schedule" issued February 7, 2005, the

Board granted Midwest Renewable's request, which was not objected to by any party, that the Board preside at the reception of evidence and issue a decision. The parties thought because the issues in this case are ones of first impression for the Board, the proposed decision of the administrative law judge could be appealed to the full Board, delaying the process. Time is of the essence because of the expiration of current federal tax credits on December 31, 2005.

On February 15, 2005, IPL filed a "Motion to Hold Docket in Abeyance." IPL asked that Docket No. AEP-05-1 be held in abeyance until completion of IPL's request for proposals process for wind generation. That motion has since been withdrawn, but it illustrated the possibility that there may be a need for unusually rapid rulings on motions in this case. In order to expedite ruling on and any other prehearing motions that may be filed, the Board will assign this matter to a presiding officer, Cecil Wright, for the limited purpose of hearing and issuing decisions on prehearing motions.

Normally, the Board would assign these prehearing motions to its administrative law judge (ALJ), Amy Christensen. However, in the Board's February 7, 2005, order, the Board indicated the ALJ would be available if the parties agreed to mediation. While all parties have not accepted this proposal, the Board wants to maintain the ALJ's impartiality in the event the parties request mediation.

IT IS THEREFORE ORDERED:

Pursuant to Iowa Code § 17A.11(1)"b" (2005) and 199 IAC 7.1(4), Docket No. AEP-05-1 is assigned to a presiding officer, Cecil Wright, for the limited purpose of

issuing decisions on prehearing motions. At his discretion, the presiding officer may hold hearings or arguments, require briefs, and otherwise administer the consideration of such motions.

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 25th day of February, 2005.