

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>APPLICATION OF STATE AND FEDERAL ASSISTANCE PAYMENTS TO MEET REQUIREMENTS OF SECOND PAYMENT AGREEMENT IN 199 IAC 19.4(10)"c"(2) AND 20.4(10)"c"(2)</p>	<p>DOCKET NO. DRU-05-1</p>
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**ORDER GIVING NOTICE AND ESTABLISHING DATES FOR
INTERVENTION AND REPLIES**

(Issued March 24, 2005)

On March 21, 2005, the Utilities Board (Board) received a letter from Jerry McKim, the Iowa low income home energy assistance program (LIHEAP) Director, Division of Community Action Agencies of the Department of Human Rights, requesting the Board make a declaratory ruling concerning the application of LIHEAP payments in meeting the requirements for a second payment agreement under Board rules 199 IAC 19.4(10)"c"(2) and 20.4(11)"c"(2). Specifically, Mr. McKim requests the Board interpret language in the "Order Adopting Amendments" issued July 30, 2004, in Docket No. RMU-04-2, In re: Revisions to Consumer Services Rules [199 IAC 19.4(10), 19.4(13), 19.4(15), 19.4(16), 20.4(11), 20.4(14), 20.4(15), and 20.4(16)]. The request is identified as Docket No. DRU-05-1.

In the July 30, 2004, order, the Board stated: "The Board will also clarify this requirement by requiring that the payments be consecutive and for the full monthly

payment. A customer who makes two consecutive full payments—a payment being the total of the monthly payment amount for the past due bill and the current month's bill—on a first payment agreement has demonstrated a good faith effort to pay for utility service. Assistance payments from a state or federal agency should not be considered as satisfying this requirement."

Mr. McKim requests interpretation of the last two sentences in this paragraph in two respects. First, whether the reference to "assistance payments from a state or federal agency" was intended to indicate that a single lump-sum payment which is sufficiently large to cover more than one month's bill will not be credited as a multiple payment. Second, whether the reference to "a payment being the total of the monthly payment amount for the past due bill and the current month's bill does not disqualify customer partial payments towards a monthly bill when the remaining portion of that bill has been paid by a prior lump sum payment previously credited to the customer's account."

Requests for a declaratory ruling are provided for in Iowa Code § 17A.9 and 199 IAC chapter 4 of the Board rules. Iowa Code § 17A.9(3) requires the Board to give notice to all persons to whom notice is required by law and may give notice to any other persons. The language for which a declaratory ruling is requested was issued in a docket amending the Board's gas and electric service rules. Notice in Docket No. RMU-04-2 was given to all electric and gas utilities as well as other persons. To ensure that those persons who participated in Docket No. RMU-04-2 are provided the opportunity to intervene in this docket, the Board will give notice of

this docket and send a copy of the filing to those persons who received notice in that proceeding.

Iowa Code § 17A.9(5) requires that the Board take one of four actions within 30 days of the filing of the petition for declaratory order. Pursuant to paragraph "b" of the statute, the Board will set the matter for specified proceedings by establishing a schedule for intervention and the filing of responses to the petition.

Pursuant to Iowa Code § 17A.9(8), the petition is deemed denied if the Board does not issue a declaratory order within 60 days of the filing of the petition or a later time agreed to by the parties. The Board must therefore issue an order on or before May 20, 2005, to meet this requirement.

IT IS THEREFORE ORDERED:

1. A copy of this order and the letter from Mr. McKim shall be sent to all persons who received notice of the "Notice Commencing Rule Making" in Docket No. RMU-04-2.
2. Petitions to intervene shall be filed on or before April 4, 2005, and shall be in compliance with 199 IAC 4.3.3. Late filings may be allowed upon a showing of good cause. The petition should include any comments regarding all information that the person wishes the Board to consider concerning the questions raised by the petition for declaratory order.

3. Replies to the petitions to intervene and comments shall be filed on or before April 11, 2005.

UTILITIES BOARD

/s/ John R. Norris

ATTEST:

/s/ Margaret Munson
Executive Secretary, Deputy

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 24th day of March, 2005.