

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  EMMETSBURG MUNICIPAL UTILITIES	DOCKET NO. P-854
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**ORDER GRANTING PETITION TO INTERVENE AND  
MODIFYING PROCEDURAL SCHEDULE**

(Issued June 2, 2005)

On August 7, 2003, Emmetsburg Municipal Utilities (Emmetsburg) filed a petition and exhibits for a pipeline permit for an existing 4-inch diameter natural gas pipeline approximately 3.314 miles long in Palo Alto County, Iowa. The pipeline transports natural gas from a connection with a Northern Natural Gas Company pipeline at the Emmetsburg town border station to one industrial customer, Ag Processing Inc (AGP).

On May 17, 2005, the undersigned issued a procedural order and notice of hearing for the case. The parties to the case were Emmetsburg and the Consumer Advocate Division of the Department of Justice (Consumer Advocate).

On June 1, 2005, AGP filed a petition to intervene. AGP stated it is the customer served by the pipeline at issue in this case, its interests are unique and not represented by the other parties, and Board rule 199 IAC 10.6 contemplates interventions. AGP stated if allowed to intervene, it would review the petition and participate as necessary to protect its interests. AGP further stated that Emmetsburg and the Consumer Advocate do not object to the granting of the petition to intervene.

For the reasons stated in AGP's petition, the petition to intervene should be granted. AGP is bound by the procedural order and notice of hearing as if it had been a party at the time the order was issued. The procedural schedule will be slightly modified as stated below to accommodate AGP's participation.

**IT IS THEREFORE ORDERED:**

1. The petition to intervene filed by Ag Processing Inc on June 1, 2005, is hereby granted.
2. The procedural schedule established in the procedural order and notice of hearing issued May 17, 2005, is modified as follows:
  - a. On or before June 3, 2005, Emmetsburg must file prepared direct testimony relating to its petition for a permit for its natural gas pipeline, as discussed in this order. If Emmetsburg wishes to file a prehearing brief, it must do so on or before June 3, 2005.
  - b. If the Consumer Advocate, AGP, or any objector chooses to file prepared responsive testimony or a prehearing brief, it must do so on or before June 20, 2005. If the Consumer Advocate takes the position that a civil penalty should or should not be imposed in this case, it must file prepared testimony or a brief in support of its position on or before June 20, 2005.
  - c. If Emmetsburg wishes to file prepared rebuttal testimony or a reply brief, it must do so on or before July 1, 2005.
  - d. If AGP files prepared responsive testimony or a prehearing brief and the Consumer Advocate wishes to file prepared rebuttal testimony or a brief in response, it must do so on or before July 1, 2005.

e. 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 10 a.m. on Tuesday, July 12, 2005, in Conference Room 3, 350 Maple Street, Des Moines, Iowa. Each party must provide a copy of its prepared testimony and exhibits to the court reporter at the hearing. If any party wishes to be connected to the hearing by telephone conference call or have a witness connected by telephone conference call, the party must notify the Board as soon as possible, and no later than July 1, 2005, so that appropriate arrangements may be made. 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 five days prior to the hearing to request that appropriate arrangements be made.

f. 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."

3. All provisions of the procedural order and notice of hearing issued May 17, 2005, remain in effect unless specifically modified in this order.

**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 2<sup>nd</sup> day of June, 2005.