

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: CERTIFICATION OF ELIGIBILITY FOR WIND ENERGY AND RENEWABLE ENERGY TAX CREDITS	DOCKET NO. RMU-05-8
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ORDER COMMENCING RULE MAKING

(Issued June 20, 2005)

Pursuant to the authority of Iowa Code § 17A.4, House File 882, and Senate File 390, the Utilities Board (Board) proposes to adopt the rules attached hereto and incorporated by reference. House File 882 and Senate File 390 assign to the Board the duty of determining whether a facility is eligible for new state tax credits for wind energy production and renewable energy.

Concurrently with this order, the Board has issued in Docket No. RMU-05-7 an "Order Adopting Rules Without Public Comment and Participation and Providing for Immediate Effective Date." That order adopts on an emergency basis the same rules that are being noticed here for public comment. The reasons for adopting these proposed rules on an emergency basis are set forth in that order and that order is incorporated here by reference. The rules are simultaneously being noticed for public comment so that the Board can consider, after receiving public comment, appropriate changes to the emergency rules. The final rules adopted in this docket will replace the rules adopted on an emergency basis in Docket No. RMU-05-7.

IT IS THEREFORE ORDERED:

1. A rule making proceeding, identified as Docket No. RMU-05-8, is commenced for purposes of receiving comments upon the proposed rules attached to this order.

2. The Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin a notice in the form attached to and incorporated by reference in this order.

UTILITIES BOARD

/s/ John R. Norris

/s/ Diane Munns

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 20th day of June, 2005.

UTILITIES DIVISION [199]

Notice of Intended Action

Pursuant to Iowa Code sections 17A.4, House File 882, and Senate File 390, the Utilities Board (Board) gives notice that on June 20, 2005, the Board issued an order in Docket No. RMU-05-8, In re: Certification of Eligibility for Wind Energy and Renewable Energy Tax Credits, "Order Commencing Rule Making." The Board is proposing to adopt new rule 199 IAC 15.18(476) to implement House File 882 and Senate File 390 (new Iowa Code sections 476B.5 and 476C.3). The recently passed statutes assign the Board the duty to determine whether a facility is eligible for state tax credits for wind energy and renewable energy.

Pursuant to Iowa Code sections 17A.4(1)"a" and "b," any interested person may file a written statement of position pertaining to the proposed amendments. The statement must be filed on or before August 9, 2005, by filing an original and ten copies in a form substantially complying with 199 IAC 2.2(2). All written statements should clearly state the author's name and address and should make specific reference to this docket. All communications should be directed to the Executive Secretary, Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069.

A public hearing to receive comments on the proposed amendment will be held at 10 a.m. on September 21, 2005, in the Board's hearing room at the

address listed above. The Board does not find it necessary to propose a separate waiver provision in this rule making. The Board's general waiver provision in 199 IAC 1.3 is applicable to this rule.

This amendment was also Adopted and Filed Emergency and is published herein as **ARC** _____. The content of that submission is incorporated by reference.

This amendment is intended to implement House File 882 and Senate File 390 (new Iowa Code sections 476B.5 and 476C.3).

June 20, 2005

/s/ John R. Norris

John R. Norris

Chairman