

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  CENTRAL IOWA POWER COOPERATIVE	DOCKET NO. E-21720
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**ORDER GRANTING FRANCHISE**

(Issued August 30, 2005)

On November 22, 2004, Central Iowa Power Cooperative (CIPCO) filed a petition, identified as Docket No. E-21720, with the Iowa Utilities Board for a franchise to erect, maintain, and operate approximately 38.92 miles of 72,500-volt maximum voltage electric transmission line in Dubuque County, Iowa, pursuant to Iowa Code chapter 478 (2005).

In its petition, CIPCO requests authority to franchise existing transmission lines that have been previously constructed and are presently being operated and maintained. CIPCO states the lines were initially issued the following franchises: Franchise No. 14362, granted on January 16, 1976, in Docket No. E-17925, which expired in January of 2001; Franchise No. 14563, granted on August 6, 1976, in Docket No. E-18191, which expired in August of 2001; and Franchise No. 14037, granted on January 23, 1975, in Docket No. E-17488, which expired in January of 2000. CIPCO further states the lines were also originally issued the following franchises: Franchise No. 16795, granted on July 23, 1980, in Docket No. E-20831;

Certificate No. 3055, granted on January 5, 1989, in Docket No. E-20897; Certificate No. 3068, granted on July 15, 1991, in Docket No. E-15977; Franchise No. 17010, granted on July 18, 1991, in Docket No. E-21068; Franchise No. 17009, granted on October 15, 1991, in Docket No. E-21067; Franchise No. 17523, granted on April 19, 1996, in Docket E-21320; Certificate No. 3074, granted on May 26, 1994, in Docket E-21164; Franchise No. 14037, granted on April 22, 1998, in Docket E-17488; Franchise Nos. 14037 and 17236, granted on March 22, 1996, and December 4, 1995, in Docket Nos. E-17488 and E-21310; Certificate No. 3055, granted on January 23, 1975, in Docket No. E-20897. CIPCO states that all easements required for the line have been obtained voluntarily or through eminent domain.

### **FINDINGS OF FACT**

1. No objections to the petition have been filed as provided for by Iowa Code chapter 478 (2005).
2. Notice of the petition was published as required by Iowa Code chapter 478 (2005).
3. CIPCO has filed an agreement to pay all costs and expenses of this franchise proceeding pursuant to Iowa Code § 478.4 (2005).
4. The transmission line is necessary to serve a public use. This conclusion is based on information provided pursuant to Iowa Code chapter 478 (2005).

5. The transmission line represents a reasonable relationship to an overall plan of transmitting electric energy in the public interest. This conclusion is based on information provided pursuant to Iowa Code chapter 478 (2005).

6. The transmission line will meet or exceed the minimum engineering requirements of the rules of the Board and will conform to the requirements of Iowa Code chapter 478 (2005).

7. CIPCO has not requested it be vested with the right of eminent domain.

8. The transmission line is near and parallel to a railroad rights of way or along division lines of land, wherever practicable and reasonable, and so as not to unnecessarily interfere with the use of land by the occupants consistent with Iowa Code § 478.18 (2005).

### **CONCLUSIONS OF LAW**

1. The Utilities Board has jurisdiction of the parties and subject matter pursuant to Iowa Code chapter 478 (2005).

2. The Utilities Board has authority pursuant to Iowa Code chapter 478 (2005) to grant franchises for the construction, erection, maintenance, and operation of certain electric transmission lines outside cities in the state for the transmission, distribution, or sale of electric current within the state. Iowa Code § 478.1 (2005). CIPCO has met the requirements of Iowa Code chapter 478 (2005) and 199 IAC chapter 11, and a franchise should be issued to CIPCO for the transmission line described in the petition.

**IT IS THEREFORE ORDERED:**

1. The petition is granted and a franchise will be issued to Central Iowa Power Cooperative to construct, erect, operate, and maintain an electric transmission line as specifically described in the franchise, identified as Franchise No. 17650, attached to this order and incorporated by this reference.

2. The Utilities Board retains jurisdiction of the subject matter in this docket pursuant to Iowa Code chapter 478 (2005), and may at any time during the period of the franchise make such further orders as may be necessary.

**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 30<sup>th</sup> day of August, 2005.

## **FRANCHISE NO. 17650**

On November 22, 2004, Central Iowa Power Cooperative (CIPCO) filed a petition, identified as Docket No. E-21720, with the Utilities Board (Board), for a franchise to erect, maintain, and operate 38.92 miles of 72,500-volt maximum voltage transmission line in Dubuque County pursuant to Iowa Code chapter 478 (2005). CIPCO states the lines were initially issued the following franchises: Franchise No. 14362, granted on January 16, 1976, in Docket No. E-17925, which expired in January of 2001; Franchise No. 14563, granted on August 6, 1976, in Docket No. E-18191, which expired in August of 2001; and Franchise No. 14037, granted on January 23, 1975, in Docket No. E-17488, which expired in January of 2000. CIPCO further states the lines were also originally issued the following franchises: Franchise No. 16795, granted on July 23, 1980, in Docket No. E-20831; Certificate No. 3055, granted on January 5, 1989, in Docket No. E-20897; Certificate No. 3068, granted on July 15, 1991, in Docket No. E-15977; Franchise No. 17010, granted on July 18, 1991, in Docket No. E-21068; Franchise No. 17009, granted on October 15, 1991, in Docket No. E-21067; Franchise No. 17523, granted on April 19, 1996, in Docket E-21320; Certificate No. 3074, granted on May 26, 1994, in Docket E-21164; Franchise No. 14037, granted on April 22, 1998, in Docket E-17488; Franchise Nos. 14037 and 17236, granted on March 22, 1996, and December 4, 1995, in Docket Nos. E-17488 and E-21310; Certificate No. 3055, granted on January 23, 1975, in Docket No. E-20897. Upon notice in accordance with Iowa Code chapter 478 (2005), the Board found the petition should be granted and a franchise issued to CIPCO in the Order Granting Franchise issued simultaneously in this docket. CIPCO must comply with

the requirements stated in the Order Granting Franchise and incorporated by reference in this franchise.

Pursuant to the order of the Board and Iowa Code chapter 478 (2005), this franchise is issued and permission and authority are granted to CIPCO to erect, maintain, and operate a transmission line on routing specifically described for the transmission, distribution, use, and sale of electric current outside cities and towns and for such purpose to erect, use, and maintain poles, wires, guy wires, towers, cables, conduits, and other fixtures and appliances necessary for conducting electric current for light, heat, and power, over, along, and across any public lands, highways, streams, or the lands of any person, company, or corporation and to acquire necessary interest in real estate for such purposes on and along the route particularly described in Exhibit A, attached to and incorporated by reference in this franchise.

This franchise is granted for a period of 25 years from the date of issuance unless revoked, modified, or terminated pursuant to Iowa Code chapter 478 (2005). This franchise shall be subject to and governed by all provisions, conditions, and requirements of Iowa Code chapter 478 (2005) and by all provisions, conditions, and requirements of the Utilities Board, as may be applicable.

During the period of time this franchise is in force, the use of the right of eminent domain is not necessary and, therefore, not included by the Board in its order granting this franchise.

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It is provided and understood this franchise is granted subject to the provisions of Iowa Code § 319.5 (2005).

It is further provided and is a condition of this franchise that the Board retain jurisdiction and may at any time during the period of this franchise make such further orders and regulations as may be necessary.

**UTILITIES BOARD**

/s/ John R. Norris  
Chairman

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

Dated at Des Moines, Iowa, this 30<sup>th</sup> day of August, 2005.