

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: ENVIROGAS LP	DOCKET NO. P-861
----------------------------	------------------

REVISED PROCEDURAL ORDER AND NOTICE OF HEARING

(Issued September 21, 2005)

On September 13, 2005, the undersigned administrative law judge issued an order establishing a procedural schedule, proposing to take official notice, and setting the hearing in this case for Monday, November 14, 2005. On September 15, 2005, at the request of EnviroGas LP (EnviroGas), a telephone conference call was held to discuss the procedural schedule and hearing date. EnviroGas requested an expedited procedural schedule and hearing date. The two parties to the case, EnviroGas and the Consumer Advocate Division of the Department of Justice (Consumer Advocate), agreed to the following procedural schedule: EnviroGas will file its prepared testimony, exhibits, and brief on or before September 30, 2005; the Consumer Advocate will file its prepared testimony, exhibits and brief on or before October 7, 2005; and the hearing in this case will be held on Thursday, October 20, 2005. EnviroGas waived its right to file prepared rebuttal testimony, exhibits, and a prehearing reply brief. The parties stated they would not be calling any witnesses at the hearing by telephone conference call. As stated during the conference call, the establishment of this procedural schedule and hearing date are based on EnviroGas

timely fulfilling the publication of notice requirements contained in Iowa Code § 479.7 and 199 IAC 10.4.

IT IS THEREFORE ORDERED:

1. The following amended procedural schedule is established:
 - a. On or before September 30, 2005, EnviroGas must file prepared direct testimony and exhibits relating to its petition as discussed in the body of the procedural order issued September 13, 2005. If EnviroGas wishes to file a prehearing brief, it must do so on or before September 30, 2005.
 - b. If the Consumer Advocate or any objector chooses to file prepared responsive testimony, it must do so on or before October 7, 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 October 7, 2005.
 - c. EnviroGas waives its right to file prepared rebuttal testimony, exhibits, and a prehearing reply brief.
 - d. 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 **9 a.m.** on Thursday, October 20, 2005, in the Board Hearing Room, 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. 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.

2. Pursuant to Iowa Code §§ 17A.12(1) and 199 IAC 10.4, a copy of this order will be served by ordinary mail upon EnviroGas, and will be delivered to the Consumer Advocate. No persons have filed objections to the petition as of the date of this order. EnviroGas is not seeking eminent domain in this case.

3. EnviroGas must work with Board staff regarding publication of notice pursuant to Iowa Code § 479.7 and 199 IAC 10.4, and must file proof of publication prior to or at the hearing.

4. Except for the changes to the required filing and hearing dates stated in this order, all provisions of the Order Establishing Procedural Schedule and Proposing to Take Official Notice and Notice of Hearing issued September 13, 2005, remain in effect.

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 21st day of September, 2005.