

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>DONALD POLTON, SR.,</p> <p style="padding-left: 100px;">Complainant,</p> <p style="padding-left: 100px;">vs.</p> <p>INTERSTATE POWER AND LIGHT COMPANY,</p> <p style="padding-left: 100px;">Respondent.</p>	<p style="text-align:center">DOCKET NO. FCU-05-60</p>
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ORDER DISMISSING COMPLAINT

(Issued November 3, 2005)

On September 20, 2005, the Utilities Board (Board) issued an order docketing a formal complaint filed by Donald Polton, Sr., against Interstate Power and Light Company (IPL). The formal complaint proceeding was based upon an informal complaint filed by Mr. Polton alleging that IPL was going to disconnect electric service at 905 Third Street SE, Apartment 214, Cedar Rapids, Iowa, unless Mr. Polton paid a deposit of \$220. On July 26, 2005, the Board's Consumer Services Section sent a proposed resolution to Mr. Polton, IPL, and the Consumer Advocate Division of the Department of Justice (Consumer Advocate) finding that Mr. Polton must pay the \$220 deposit to retain electric service. Mr. Polton disagreed with the proposed resolution and requested the formal complaint proceeding.

In the September 20, 2005, order, the Board stated that the complaint appeared to be largely based upon legal issues and set out proposed facts for stipulation and the legal issues to be addressed. Parties were given an opportunity to stipulate to the facts proposed, indicate if any of the facts were still in dispute, or offer additional facts for stipulation. MidAmerican Energy Company (MidAmerican) and the Iowa Association of Electric Utilities (IAEC) filed petitions to intervene in this proceeding. IAEC indicated that it did not contemplate participating in the stipulation of material facts but would brief the legal issues. MidAmerican did not offer any additional material facts for stipulation.

On October 13, 2005, Mr. Polton filed a motion to withdraw the complaint. In the motion, Mr. Polton states that the parties have reached a settlement of the issues in the complaint rendering the complaint moot.

The Board will grant the motion to withdraw this complaint. The Board anticipated addressing issues related to the interpretation of its rules on disconnection in this docket, but the settlement of the complaint by Mr. Polton removes this possibility. It is the Board's understanding that a group of utilities is discussing these issues and they may be addressed in another proceeding or a petition for rule making.

Since this docket will be dismissed, the Board need not rule on the petitions to intervene of MidAmerican and IAEC.

IT IS THEREFORE ORDERED:

1. The motion to withdraw the formal complaint in Docket No. FCU-05-60 filed by Donald Polton, Sr., on October 13, 2005, is granted.
2. Docket No. FCU-05-60 is closed.

UTILITIES BOARD

/s/ John R. Norris

/s/ Diane Munns

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Curtis W. Stamp

Dated at Des Moines, Iowa, this 3rd day of November, 2005.