

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  INTERSTATE POWER AND LIGHT COMPANY	DOCKET NO. RPU-05-3
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**ORDER DENYING MOTION TO STRIKE**

(Issued November 10, 2005)

On October 24, 2005, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a motion to strike certain testimony and an exhibit filed by the Community Coalition for Rate Fairness (CCRF). CCRF witness Dr. Robert Latham filed the testimony and exhibit at issue on October 14, 2005. On October 31, 2005, CCRF filed a resistance to the motion to strike. Docket No. RPU-05-3 involves proposed electric rate schedules and tariff changes that would consolidate tariff structures in Interstate Power and Light Company's (IPL) four rate zones and accomplish another step toward equalizing rates across those four zones.

Consumer Advocate said a portion of Dr. Latham's testimony (p. 4, line 20 through p. 8, line 14) and his exhibit (RJL-1) were inconsistent with and ignored the requirements of the Board's final decision in Docket No. RPU-04-1 that consolidation and equalization of IPL's zone rates be revenue neutral and based on a rate structure approved by the Board in that docket. Consumer Advocate argued the

testimony and exhibit attempt to bring into the case allocation methods and a rate structure consolidation approach that were explicitly rejected by the Board in its final order issued on January 14, 2005, in Docket No. RPU-04-1.

In its resistance to the motion, CCRF said the testimony and exhibit challenged by Consumer Advocate relate to the testimony of IPL witness Maher about a target rate design, which is IPL's vision for its end-state tariff, including the expected price for specific rate elements assuming no intervening revenue requirement proceedings. The CCRF noted that the schedule Consumer Advocate seeks to strike is in fact part of IPL witness Vognsen's workpapers. The CCRF also argued that neither the testimony nor the exhibit assumes an overall revenue requirement different from the one approved in Docket No. RPU-04-1 and is therefore revenue neutral.

The Board will deny the motion to strike. The testimony and exhibit appear to respond to IPL testimony regarding its target rate design and therefore may be relevant to the issues in this docket. However, the Board notes that it does not intend to relitigate all the issues from Docket No. RPU-04-1 in this proceeding in the absence of good cause for doing so. As stated in the final order issued in Docket No. RPU-04-1 class revenue allocations in this case are to be based on the settlement allocations in Docket No. RPU-04-1 and not on a new class cost-of-service study or revenue requirement.

**IT IS THEREFORE ORDERED:**

The motion to strike filed by the Consumer Advocate Division of the Department of Justice on October 24, 2005, is denied.

**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 10<sup>th</sup> day of November, 2005.